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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial report of States parties

Trinidad and Tobago*

* The present report is being issued without formal editing.

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Ministry of the Attorney General and Legal Affairs

INITIAL, SECOND AND THIRD PERIODIC REPORT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

December 2000

TRINIDAD AND TOBAGO'S INITIAL, SECOND AND THIRD PERIODIC REPORT UNDER THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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TABLE OF CONTENTS

PART ONE: GENERAL INFORMATION: Pages 12-26

1. **The Land and People:** Pages 12-14, Paras. 1-12
2. **The Economy:** Pages 14-16, Paras. 13-24
3. **The General Political Structure:** Pages 16-19, Paras. 25-33
4. **The General Framework within which Human Rights are Protected:** Pages 19-22, Paras. 34-46
5. **Information and Publicity:** Pages 22-24, Paras. 47-51
6. **Status of Women:** Pages 24-26, Paras. 52-63

PART TWO: SPECIFIC PROVISIONS OF THE CONVENTION: Pages 27-142

1. **Article 1** – Pages 27-30
   - **The General Legal Framework within which Discrimination on the Basis of Sex is Prohibited in Trinidad and Tobago:** Paras. 64-67
   - **The Legal Framework within which Gender-based Violence is Prohibited in Trinidad and Tobago:** Paras. 68-71
   - **Equal Treatment Under the Law:** Para. 72
2. **Article 2** – Pages 30-39
   - **The Passage of Laws which are Inconsistent with Human Rights:** Paras. 73-74
   - **Remedies Available for the Breach of Human Rights:** Paras. 75-78
   - **Legal Structures that Guarantee Equality Between Men and Women:** Paras. 79-80
   - **Cases Involving Discrimination Against Women:** Para. 81
   - **Government Infrastructure Involved in the Promotion of Women's Human Rights:** Paras. 82-83

- **Support Services to Victims of Gender-based Violence:** Para. 84

- **Gender-sensitive Training:** Paras. 85-90, 125, 241

- **Legislation which is Discriminatory Against Women:** Para. 91

- **Initiatives Taken to Repeal Discriminatory Legislation:** Para. 92

- **Non-legislative Constraints to the Promotion of Gender Equality in Trinidad and Tobago:** Para. 93

3. **Article 3** – Pages 39-42

   - **The Gender Affairs Division of the Ministry of Culture and Gender Affairs.** Para. 94

   - **The Domestic Violence Unit of the Ministry of Culture and Gender Affairs:** Para. 95

   - **Initiatives Taken to Re-socialise Gender-related Behaviour and Attitudes in the Country:** Paras. 96-101

4. **Article 4** – Pages 42-43

   - **Affirmative Action Measures Implemented in Trinidad and Tobago:** Paras. 102-106

5. **Article 5** – Pages 43-61

   - **The Principle of Gender Equality and the Perception of the General Population:** Para. 107

   - **Dowry Systems, Repudiation of the Wife, Bride Purchase, Female Circumcision and Violence Against Women:** Para. 108

   - **Violence Against Women in Trinidad and Tobago:**

     Incidence: Paras. 108-109, 111-112, 115
     Data Collection: Paras. 110-111, 113-114
     Initiatives Taken by the Government to Address the Issue of Domestic Violence: Paras. 116-124
     Initiatives Taken by Non-Governmental Organisations to Address the Issue of Violence Against Women: Paras. 126-130

Sexual Violence (Rape and Incest): Paras. 131-137
Crisis Intervention for Female Victims of Violence: Paras. 138-141
Obstacles Faced by Women Wishing to Leave Violent Situations: Para. 142
Regional, Governmental, Non-Governmental and Private Agencies Working to Reduce and Prevent Violence Against Women: Para. 143
Public Awareness Campaigns: Paras. 144-151
Government Funding and Expenditure: Paras. 152-155
Sexual Harassment: Paras. 157-159, 288

- **Responsibility for Child-Rearing:** Paras. 160-162

- **Participation of Women in the Mass Media:** Paras. 163-164

- **Information Dissemination of Women's Human Rights:** Paras. 165-169

- **Regulation of the Media:** Para. 170

6. **Article 6** – Pages 61-65

- **Sexual Exploitation of Women:**

Prostitution in Trinidad and Tobago: Paras. 171-177
Measures taken to Combat Poverty, Illiteracy and Unemployment as a Form of Alleviating Prostitution: Paras. 178-179
Health Services which Cater to Prostitutes: Para. 180
Exotic Dancing: Para. 181
Measures taken to Combat Sex Tourism and Pornography: Para. 182

7. **Article 7** – Pages 65-68

- **Women in Leadership and Decision-Making Roles:**

The Right to Join Political Parties and to Express Political Views: Para. 183
Women in Government: Paras. 184-190
Women in the Public Sector: Paras. 191-192
Women in the Judiciary: Para. 193
Women in the Private Sector: Para. 194
Women in Trade Unions: Para. 195

8. **Article 8** – Pages 68-69

- **Women in Diplomatic and Other Related International Posts:** Paras. 196-200

9. **Article 9** – Pages 69-71

- **The Right to Nationality:**

A Woman's Right to Acquire, Change and Retain Her Nationality: Paras. 201-202
A Woman's Right to Transmit Her Nationality to Her Children: Para. 203
Nationality and the Adoption of a Foreign Child: Para. 204
Passports: Paras. 205, 207
Dual Nationality: Para. 206

10. **Article 10** – Pages 71-80

- **The Right to Education**

Education System in Trinidad and Tobago: Paras. 208-209
Access to the Same Examinations, Teaching Staff with Qualifications of the Same Standard, and School Premises and Equipment of the Same Quality: Paras. 210-211
Compulsory Education: Para. 212
Government Policy: Paras. 213-214
Enrolment Statistics: Para. 215
Tertiary Education: Paras. 216-218
Technical and Vocational Training: Paras. 219-225
Access to Scholarships: Paras. 226-227
Literacy: Paras. 228-229
Drop-out Rates: Paras. 230-231
Policy in respect of Pregnant and Married Students: Para. 232
Continuing Education: Paras. 233-234
Education Available Through Non-Governmental Organisations: Paras. 235-237
Physical Education: Paras. 238-240
Gender-Sensitive Training of Teachers: Para. 241
Family Planning Education: Paras. 242-243

11. **Article 11** – Pages 80-98

- **The Right to Work:**

The Constitution: Para. 244
Non-Residents: Para. 245
Recruitment Practices: Para. 246
The Ministry of Labour and Co-operatives: Paras. 247-251
The Community Based Distance Learning Centre Project: Para. 252
The Economy: Para. 253
Women's Participation in the Labour Force: Paras. 254-256

Female Unemployment: Paras. 257-260
Terms and Conditions of Employment: Paras. 261, 276-278
Domestic Employees: Paras. 262-263, 290
Female Paid Employment: Para. 264
Female Unpaid Employment: Paras. 265-266
Employment Training for Women: Paras. 267-269
Female Income Levels: Paras. 270-272
Discrimination: Paras. 273-275
Minimum Wage: Para. 279
Women in Business: Paras. 280-281, 407-409
Consideration of Women's Needs and Concerns in the Development of Employment Practices: Para. 282
Gender-Specific Job Advertising, Hiring Practices and Customs: Para. 283
The Right to Equal Pay for Work of Equal Value: Paras. 284-287
Sexual Harassment: Paras. 156-159, 288
Safety, Health and Welfare of Women in the Workplace: Paras. 289-290
Maternity Protection: Paras. 291-302
Childcare Facilities for Working Mothers: Para. 303
Job Security and Marital Status: Para. 304
The Basic Conditions of Work Bill, 2000: Paras. 305-306

12. **Article 12** – Pages 98-119

- **The Right to Health**

The Public Health Care System: Paras. 307-320
Women's Health: Paras. 321-323, 327-329
Fertility, Mortality and Other Rates: Paras. 324-326
Primary Health Care Expenditure: Paras. 330-336
Teenage Pregnancies: Paras. 337-339
Family Planning: Paras. 340-350
Abortion: Paras. 351-354
Alcohol and Drug Dependency: Paras. 355-371
H.I.V./A.I.D.S. Situation: Paras. 372-376
Measures to Reduce the Incidence of H.I.V./A.I.D.S: Paras. 377-379
Measures to Prevent Discrimination on the Basis of H.I.V./A.I.D.S.: Paras. 380-381
Support Initiatives for Persons Infected with H.I.V./A.I.D.S.: Paras. 382-383
Programmes for Pregnant Women Infected with H.I.V./A.I.D.S.: Para. 384
Sexual Behaviour and Sex Education: Paras. 385-387
Work Accidents and Work-Related Diseases Among Women: Para. 388

13. **Article 13** – Pages 119-127

- **The Right to Access Social Services:**

  Social Assistance Schemes: Paras. 389-401
  Female-Headed Households: Para. 402
  The Right to an Adequate Standard of Living: Paras. 403-404
  Initiatives Taken by Non-Governmental Organisations: Para. 405

- **The Right to Access Credit:**

  Access to Bank Loans, Mortgages and Other Forms of Credit: Paras. 406, 410-413
  Women in Business: Paras. 280-281, 407-409

- **The Right to Take Part in Cultural Life:** Para. 414

- **The Right to Participate in Recreational Activities and Sports:** Para. 415

14. **Article 14** – Pages 127-133

- **The Protection of Human Rights of Rural Women:**

  Rural Population: Para. 416
  Risks of Rural Women/Primary Producers: Paras. 417-420
  Government Policy: Para. 421
  Agricultural Extension Programmes: Paras. 422-423
  Violence Against Rural Women: Para. 424
  Training in Literacy and Basic Mathematics: Para. 425
  The Right to Housing: Para. 426
  The Inter-American Institute for Cooperation on Agriculture: Para. 427
  Employment: Paras. 428-431
  Participation of Rural Women in Planning and Development: Para. 432
  Prgrammes which Target Rural Women: Paras. 433-435

15. **Article 15** – Pages 133-134

- **The Right to Nationality:** Paras. 201-202, 436

- **The Right to Transmit One's Nationality to One's Children:** Paras. 203-204, 437

- **The Freedom of Movement:** Para. 438

- **The Right to the Protection of the Law:** Paras. 439-440
- **The Right of a Woman to Make a Contract in Her Own Name:** Paras. 441-442

16. **Article 16** – Pages 134-142

- **The Right to Marriage:**

  Contracting Marriage Age: Para. 443
  Marriage Officials: Paras. 444-445
  Polygamous Marriages: Paras. 446-447
  Dowry Systems, Repudiation of the Wife, Bride Purchase and Female Circumcision: Para. 448
  Bigamy: Para. 449

- **The Right to Inherit:** Para. 450

- **The Right to Dispose of Property:** Paras. 451-457

- **The Right to Custody and Maintenance:** Paras. 457-459

- **The Right to Adopt Children:** Paras. 460-461

- **The Rights of Surrogate Mothers:** Para. 462

- **The Change in Name of a Minor Child:** Para. 463

- **The Age of Consent to Sexual Intercourse:** Paras. 464-465

- **The Right to Decide Freely and Responsibly on the Number and Spacing of Children:** Para. 466

- **The Right to Choose a Family Name, Profession and Occupation:** Para. 467

- **The Defence of Honour:** Para. 468

- **The Domestic Violence Act, 1999:** Paras. 469-474

APPENDIX - The International Convention on the Elimination of Discrimination Against Women: Pages 143-158

PART ONE:
GENERAL INFORMATION

Land and People

1. The Republic of Trinidad and Tobago is the most southerly of the Caribbean islands, located seven miles north-east of Venezuela. The country is composed of two separate islands, Trinidad, which is 4820 square kilometres and Tobago which has an area of 303 square kilometres. Tobago is 32.2 km to the northeast of Trinidad. The capital city is Port of Spain, which is located in northwest Trinidad. The country has a tropical climate with a temperature that varies between 22 and 32 degrees Celsius. A dry season runs from January to April, and a rainy season runs from May to December.

2. The population of Trinidad and Tobago is estimated at 1,290,413 persons, of which 644,174 are male and 646,239 are female (mid-year estimates 1999). This figure represents a 0.7% population growth from 1998 when the population was estimated to be 1,281,825 persons. The birth rate is estimated to be 13.42 and the death rate is 7.3 persons per thousand respectively. There is an average life expectancy of 73 years. Approximately 45.7% of the population is below the age of 24 years; 45.2% is between the ages of 25 and 59 years, and 9.1% is 65 years and over (mid-year estimates 1999). In 1998, 27.9% of the population was estimated to be below 15 years of age and 6.3% of the population was estimated to be 65 years and over.

3. **Population by Sex and Age Group: 1990/1998**

Age Group	1990 Total Population	Number of Females	% Female	Age Group % of Total	1998 Total Population	Number of Females	% Female	Age Group % of Total
0-4	122,150	60,565	49	11	89,067	44,192	49	7
5-14	253,977	125,728	49	24	244,820	120,106	49	19
15-24	199,955	99,785	50	18	240,927	116,632	48	18
25-44	325,183	162,963	50	29	403,172	201,377	50	31
45-64	148,007	75,004	50	13	215,601	109,719	51	18
65+	69,205	37,154	53	5	84,088	47,573	57	7
Total	1,118477	561,199	50	100	1,277,675	639,579	50	100

4. Trinidad and Tobago is noted for its ethnic and cultural diversity. According to 1996 mid-year estimates, approximately 40.3% of the population is East Indian, 39.6% is African, 0.6 % is white, 0.4% is Chinese, 0.1% is Syrian/Lebanese, 18.4% is mixed, and 0.6% is "other" or not stated. Trinidad and Tobago is also home to great religious diversity and tolerance, which allows for the observance of various faiths, including Christianity, Hinduism, Islam and the Orisa faith.

5. The public health care system in Trinidad and Tobago is comprised of over 100 health centres, 7 hospitals and 6 other health care facilities. These operate under the Ministry of Health in conjunction with 4 Regional Health Authorities. Limited specialised medical services are available to disabled persons at 6 medical institutions located throughout the country. Complementing the public health care system, is a private health care system consisting of a large number of doctors' practices and some private hospitals. In effect, the entire population of Trinidad and Tobago has access to medical treatment facilities that are equipped with a ready supply of 20 essential drugs, and are within a one-hour walk or travel. Most Health Centres have this drug supply, and are generally located within a five-mile radius of their respective communities.

6. In 1995, the Government of Trinidad and Tobago initiated the implementation of a Health Sector Reform Programme involving the decentralising of the health sector, as a strategy to attain effective and equitable delivery of health care. This programme is ongoing. The Ministry of Health infrastructure now includes a Directorate of Health Promotions and Public Health which retains responsibility for coordinating health education programmes and healthy lifestyle strategies.

7. The Ministry of Social and Community Development is the Ministry responsible for the enhancement of the quality of life of all citizens, particularly the needy. The Ministry's work is concentrated on promoting a social services system through the Social Welfare Programme, and national family, probation and community development services.

8. Although the budgetary allocations to social programmes and the health sector have improved over the last five (5) years, low income and single female-headed households remain particularly vulnerable due to trade liberalisation, rates of unemployment and the burden of rationalisation of the health sector in the interest of cost recovery.

9. The Ministry of Housing and Settlements is the Ministry of Government that is mandated to produce and sell innovative and affordable shelter solutions to low and middle income groups. This is in keeping with the Government's commitment to provide acceptable and affordable shelter for all citizens of the country.

10. According to 1990 statistics, the number of male-headed households was 197,745 and the number of female-headed households was 77,101. The population in male-headed households was estimated to be 828,699 and the population in female-headed households was estimated at 296,429 persons. The average number of persons in a male-headed household was estimated at 4.19, with an average of 3.84 persons in female-headed households.

11. The official language of Trinidad and Tobago is English. 1994 statistics indicate that the Literacy Rate by percentage of the population is 77.4% functionally literate, 14.6% functionally illiterate and 8.0% illiterate.

12. The education system in Trinidad and Tobago has evolved out of the British Colonial System and was modified by inputs from the Caribbean Examination Council. This system is organised into public and private schools, which operate under the Ministry of Education. Public Government schools and Government assisted denominational schools provide free education at the primary and secondary school levels, up to Form 5. On a competitive basis, a small percentage of successful students receive an additional two years free education to write the Advanced Level examinations set by the Caribbean Examination Council as well as the Universities of Cambridge, Oxford and London, England. Other students may go on to do these examinations privately. Primary schools cater for children between the ages of 4 to 12, and secondary schools for students between the ages 11 to 20 years. There are also a number of private primary and secondary schools. At present, there are a total of 155 secondary schools, and 477 primary schools in the country. Of the 155 secondary schools, 29 are Government assisted, 71 are Government funded, and 55 are private. In respect of primary schools, 136 schools are Government funded, 341 are Government assisted, and 68 are private. There are several institutions providing tertiary education throughout the country including the University of the West Indies located in the St. Augustine Campus in Trinidad. There is also a regional Law School and a Medical School based in Trinidad. Further, in 2000, a Community College was established by the Trinidad and Tobago Government. Education is available at Government assisted tertiary institutions at heavily subsidised rates for students.

The Economy

13. Trinidad and Tobago has a budget economy with a recorded gross domestic product at market price of TT $36,493.50 million (1998). Following significant financial and economic reforms, Trinidad and Tobago's economy has been on a positive growth path over the last five years. The economy grew by 3.6 % in 1998 and by 0.9 % in the first three months of 1999. The external debt as a percent of the gross domestic product has declined from 26.5% at the end of 1997, to 24.6% at the end of 1998.

Gross Domestic Product * as at March 2000.

YEAR	GROSS DOMESTIC PRODUCT ($ TT MILLIONS)
2000*	50,390.20
1999	42,586.90
1998	38,197.10
1997	36,969.70
1996	34,648.10
1995	31,665.00
1994	29,311.70
1993	24,490.50

14. The principal sectors of the economy are: (1) oil, gas and petrochemicals, (2) distribution, (3) finance, insurance and real estate, (4) construction, (5) transportation, storage and communications, (6) Government, (7) manufacturing, (8) other services which include hotels, guest houses, education, community services, and personal services, (9) electricity and water, and (10) agriculture.

15. **Inflation Rate (change in Consumer Price Index, %)**

Year	1986	1989	1992	1995	1998	1999
Inflation Rate	7.7	11.4	6.6	5.3	5.6	2.3

The 1999 inflation rate represents the difference between Sept. 1999 and Sept. 1998.

16. **Balance of Payments – December 31, 1998** ***(in millions, U.S. dollars)***

Year Ended December 31	1994	1995	1996	1997	1998
Overall surplus (deficit)	181.0	32.5	213.5	175.3	80.6

17. The following are figures representing the central Government external debt and the central Government and non-Government Public Sector external debt for 1999 and 2000:

DEBT	1999	2000*
Central Government External Debt	8,734.70	8,359.00
Central Government & Public Sector External Debt	1,584.80	1,536.80

* as at March 2000.

18. In April 1993, the Government of Trinidad and Tobago dismantled the regime of exchange controls and introduced a liberal foreign exchange system in which the Trinidad and Tobago dollar was allowed to float. At the end of August 2000, the TT/US dollar exchange rate stood at 1 US$=6.2997 (this refers to the end of month average selling exchange rate).

19. The per capita income in 1998 was equivalent to US $4261.

20. **Monthly Income Levels: 1994 – 1998 (TT dollars)**

Income	1994($)	1995($)	1996($)	1997($)	1998($)
Avg. Income	1,712	1,831	1,895	1,966	2,180
Median Income	1,300	1,400	1,500	1,500	1,800

21. **Unemployment rates (by numbers)**

Year	Number of Unemployed Males	Number of Unemployed Females
1998	39,000	40,400
1997	41,300	39,000

22. The unemployment rate has been steadily declining, and in 1998 stood at 14.2%. The major generator of jobs included the construction sector (81,000 jobs), the services sector (6,500 jobs) and the manufacturing sector (4,800 jobs).

23. During the period October 1998 to March 1999, the number of persons in the labour force averaged 562,600, of which 307,300 were male and 173,300 were female.

Labour force data in relation to men and women is as follows:

Year	Total Labour Force	Number of males	Number of females
1998	558,700	344,600	214,100
1997	541,000	335,800	205,200

24. The Republic of Trinidad and Tobago makes use of international assistance and cooperation to facilitate the full realisation of human rights. For the 1999/2000 fiscal year, international funding for projects, programmes and other initiatives implemented through the Public Sector to further this realisation will amount to 30.6% (or TT $479.4 million) of the total programme budget. Sources include the Inter-American Development Bank, the International Bank for Reconstruction, the Caribbean Development Bank, the European Investment Bank and the European Union.

General Political Structure

25. Trinidad and Tobago is a sovereign democratic State founded on the rule of law, a principle expressly mentioned in the Preamble to the Constitution. Trinidad and Tobago was formerly a British Crown Colony that became self-governing in 1956. Trinidad and Tobago achieved full independence from Britain on the 31st August 1962 and became a Republic within the Commonwealth on the 24th September 1976.

26. The people of Trinidad and Tobago expressing their will through their elected representatives are sovereign. The right to join political parties and to express political views is expressly recognised in S.4(e) of the Constitution. For electoral purposes, Trinidad and Tobago is divided into thirty-six constituencies, two of which are in Tobago. There is an independent Elections and Boundaries Commission established by the Constitution. After a Parliamentary election the successful candidate in each constituency becomes a member of the House of Representatives, the lower House of Parliament. Parliament, unless sooner dissolved, shall continue for five years from the

date of its first sitting after any dissolution, and then shall stand dissolved. A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of Parliament as the President, acting in accordance with the advice of the Prime Minister, shall appoint.

27. Trinidad and Tobago has held free and fair elections since 1956. In terms of its political history, the People's National Movement (P.N.M.) came into power in September 1956 and remained undefeated until December 1986 when it lost to a coalition party called the National Alliance for Reconstruction (N.A.R.). The N.A.R. won a substantial victory in 1986 ending three decades of primacy by the P.N.M. Five years later in November 1991, the P.N.M. was returned to power. At the last general elections in 1995, the United National Congress (U.N.C.) and the P.N.M. each won 17 of the 36 electoral seats. The remaining two seats in Tobago were won by the N.A.R. The U.N.C. and the N.A.R. opted to join to form the present coalition Government, which is still in power under the leadership of Prime Minister, Mr. Basdeo Panday. The next Parliamentary elections took place on the 11th December 2000 with the U.N.C. regaining power as the government of Trinidad and Tobago.

28. In 1976 Trinidad and Tobago's Independence Constitution was replaced with a Republican Constitution. The Constitution which declares that it is the supreme law of the country, is rooted in the separation of powers of the three branches of Government – the Executive, the Legislature and the Judiciary.

29. The Executive Authority of Trinidad and Tobago is vested in the President and, subject to the Constitution, may be exercised either directly or through officers subordinate to him. All the members of the bicameral Parliament elect the President. The Prime Minister, who is leader of the majority party in Parliament, is the Head of Government. Cabinet consists of the Prime Minister, the Attorney General and other Ministers of Government appointed by the Prime Minister from among the members of Parliament. The Constitution vests Cabinet with the general direction and control of the Government of Trinidad and Tobago and makes Cabinet collectively responsible to Parliament. In the exercise of his functions under the Constitution, the President is required to act in accordance with the advice of Cabinet except where otherwise stated by the Constitution. The Cabinet can be removed from office by members of the legislature, on a vote of no confidence.

30. The legislative power of Trinidad and Tobago resides in Parliament, which according to the Constitution shall consist of the President, an upper House called the Senate and a lower House called the House of Representatives. The House of Representatives consists of 36 members elected by universal adult suffrage from the 36 constituencies into which Trinidad and Tobago is divided. Section 73 of the Constitution provides that the election of members of the House of Representatives shall be by secret ballot and in accordance with the first-past-the-post system (relative majority system). The Senate consists of 31 appointed members. Of the 31 senators, 16 are appointed on the advice of the Prime Minister, 6 are appointed on the advice of the Leader of the Opposition and 9 are appointed by the President in his discretion from outstanding persons from economic,

social or community organisations and other major fields of endeavor. Parliament is empowered by S.53 of the Constitution to make laws for the peace, order and good Government of Trinidad and Tobago. Although Parliament may alter the Constitution, some parts of it, such as the fundamental human rights provisions, are entrenched and can only be altered by Parliament with special majorities in each House of Parliament.

31. The day-to-day work of Government is carried out for the most part by a civil service organised in Ministries and Departments. The Constitution insulates members of the civil service from political interference being exercised directly upon them by the Government of the day, by vesting in autonomous commissions, to the exclusion of any authority or person, the power to appoint, remove and exercise disciplinary proceedings.

32. In 1888, the island of Tobago merged administratively with Trinidad to form the single colony of Trinidad and Tobago. Until 1980, Tobago's affairs were administered entirely from Port-of-Spain, Trinidad's capital city. With the passage of an Act of Parliament in 1980, the Tobago House of Assembly was established for the purpose of making better provision for the administration of the island. The 1980 Act was repealed and replaced with a new Tobago House of Assembly Act in 1996. Under the 1996 Act the Assembly is a body corporate consisting of 12 Assemblymen elected by the people of Tobago, four appointed Councilors and a Presiding Officer. The Assemblymen elect from among their members the Chief Secretary and the Deputy Chief Secretary. The Assembly continues for four years from the date of its first sitting. The Act provides that the House of Assembly is responsible *inter alia* for the formulation and implementation of policy on matters including Finance, that is to say, the collection of revenue and the meeting of expenditure incurred in the carrying out of the functions of the Assembly; State Lands; Land and Marine Parks; Tourism; Sports; Culture and the Arts; Community Development; Agriculture; Fisheries; Food Production; Forestry; Town and Country Planning; the Environment; Customs and Excise; Health Services and Housing. The matters for which the Assembly is not responsible include National Security; Immigration and the Judiciary among others. The Cabinet of Trinidad and Tobago retains general direction and control of the Assembly in accordance with the Constitution.

33. The Constitution establishes a Supreme Court of Judicature for Trinidad and Tobago consisting of a High Court of Justice and a Court of Appeal. The Chief Justice has overall responsibility for the administration of justice in Trinidad and Tobago and heads the independent Judiciary. The Judiciary comprises the higher Judiciary (the Supreme Court of Judicature) and the lower Judiciary (the Magistracy). The Supreme Court is housed in four locations in the country. The Magistracy is divided into 13 districts. The Magistracy and the High Court exercise original jurisdiction in civil and criminal matters. The Magistracy in its petty civil division deals with civil matters involving sums less than TT $15,000. It exercises summary jurisdiction in criminal matters and hears preliminary enquiries in indictable matters to determine whether a matter is to be held over for trial in the assizes. The High Court hears indictable criminal matters, family matters and civil matters involving sums over the petty civil limit. There is a separate Industrial Court and a Tax Appeal Board, which are superior Courts of record created by statute. Appeals from the Magistracy and the High Court lie to the Court of Appeal. The Chief Justice is

the President of the Court of Appeal. Appeals from the Court of Appeal lie with the Judicial Committee of the Privy Council in England, sometimes as of right and sometimes with leave of the Court of Appeal. The Privy Council is the highest Court of appeal of Trinidad and Tobago.

General Legal Framework Within Which Human Rights are Protected

34. The body vested with the responsibility for the enforcement of human rights in the country is the Judiciary. Although there are no special Courts, cases involving infringement of human rights are usually listed on a priority basis.

35. The general legal framework within which human rights provided by the International Convention on the Elimination of Discrimination Against Women are protected, is through the Constitution and other legislation *inter alia*: the Domestic Violence Act, No. 27 of 1999; the Sexual Offences Act, 1986 and its (Amendment) Act of 2000; the Legal Aid and Advice Act, Ch:7:07 and its (Amendment) Act of 1999; the Public Assistance (Amendment) Act, No. 10 of 1996, the Public Assistance Regulations, 1997; the Maternity Protection Act, No. 4 of 1998; the Cohabitational Relationships Act, No. 30 of 1998; the Attachment of Earnings (Maintenance) Act, No. 14 of 1998; the Attachment of Earnings (Maintenance)(Amendment)Act, No.28 of 1995; the Administration of Justice (Miscellaneous Provisions) Act, No. 28 of 1996; the Counting of Unremunerated Work Act, No. 29 of 1996; and the Minimum Wage (No.2) Order, 1998. Systems of compensation in regards to human rights violations do exist, and often take the form of monetary compensation.

36. The rights referred to under the International Convention on the Elimination of Discrimination of Women which are protected in the Constitution or by other legislation include: the equality of men and women before the law, the right to join and form trade unions, the right to social security, the right to the protection of the family, the right to adequate housing, the right to health, and the right to education.

37. All individuals within the jurisdiction of Trinidad and Tobago are protected under the Constitution, whether adult or child, citizen, resident or alien. Further, the Constitution expressly declares that the fundamental rights set out therein exist without discrimination by reason of race, origin, colour, religion or sex.

38. Section 8 of the Constitution provides that the President "may from time to time make a proclamation declaring that a state of public emergency exists." A proclamation shall not be effective unless it contains a declaration that the President is satisfied that a public emergency has arisen as a result of either the imminence of a state of war between Trinidad and Tobago and a foreign State, any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity, or that action has been taken or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger public safety or to deprive the community or any substantial portion of the community, of supplies or services essential to life.

39. The Constitution permits some derogation from Constitutional rights in time of emergency. Where any period of emergency exists, the President may make regulations for dealing with that situation, including provisions for detaining persons. An Act that is passed during a period of public emergency which is expressly declared to have effect only during that period, shall have effect even though inconsistent with S.4 and S.5 of the Constitution (the fundamental rights sections), except in so far as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists during that period. Where any person is unlawfully detained by virtue of an Act or regulations passed during a period of emergency, he may request at any time during his detention that his case be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice. A person illegally detained during a period of public emergency may also challenge the legality of his or her detention by bringing an application for habeus corpus in the High Court.

40. Section 2 of the Constitution declares that it is the supreme law and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency. The Constitution in S.13 permits Parliament to pass laws which are inconsistent with the fundamental human rights sections of the Constitution. But such an Act can only be enacted with the approval of three fifths of the members of each House of Parliament. Further, even if such a law is passed with the required parliamentary majorities, that legislation is still open to challenge in the High Court, on the ground that it is not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

41. If an individual's Constitutional rights are violated or are likely to be violated by any branch of Government, or any servant or agent of the State, the Constitution provides in S.14 that the person has a right to apply by way of originating motion to the High Court for redress. The High Court has original jurisdiction in Constitutional matters but the Constitution provides a right of appeal to the Court of Appeal and a further right of appeal to the Judicial Committee of the Privy Council in any proceedings which involve a question as to the interpretation of the Constitution. If the Court finds any violation of a Constitutional right, it will make a declaration to this effect and may award monetary compensation to the aggrieved person. The rights set out in the Constitution are not limited to citizens but are enjoyed by all individuals within the jurisdiction including visitors, persons serving sentences of imprisonment and persons under sentence of death.

42. Another effective domestic remedy available to an individual women) who claims that his rights have been violated is the remedy of Judicial Review. The substantive law on applications for Judicial Review was recently codified in a Judicial Review Act, No. 60 of 2000. This procedure is only available if there are no alternative remedies and if a person's rights have been violated by a body or authority exercising functions in the nature of public law. Before Judicial Review proceedings can be brought, *ex parte* leave must be obtained from the High Court. If the requirements for leave have been satisfied, the High Court will then conduct a review of the decision or conduct of the authority to determine whether or not the authority has acted within its powers and in accordance with the principles of natural justice, including the right to a fair hearing. The grounds upon

which the Court may grant relief to a person who has filed an application for Judicial Review includes *inter alia:*

> *5. (3) (a) that the decision was in any way unauthorised or contrary to law;*
> *(b) excessive jurisdiction; ...*
> *(d) breach of the principles of natural justice; ...*
> *(f) abuse of power;*
> *(g) fraud, bad faith, improper purpose or irrelevant consideration; ...*
> *(j) error of law, whether or not apparent on the face of the record; ...*
> *(o) an exercise of a power in a manner that is so unreasonable that no reasonable person could have so exercised the power.*

The Court is empowered to award damages on an application for Judicial Review, if such damages would have been recoverable in an ordinary action begun by writ or Constitutional Motion. As with Constitutional cases, these cases can be appealed to the Court of Appeal and the Privy Council.

43. Recently, the Government enacted the Judicial Review Act, No. 60 of 2000 to provide the substantive law governing judicial review applications. The procedural law governing such applications is provided for by rules of court. The Act allows a person, whether directly or indirectly affected or concerned with a decision of an inferior court, tribunal, public body, public authority or a person purporting to exercise or failing to exercise any power or duty imposed by any law to bring a judicial review application. This Act also provides for public interest litigation:

> *5. (2) The Court may, on an application for judicial review, grant relief in accordance with this Act –*
>
> > *(b) to a person or a group of persons if the Court is satisfied that the application is justifiable in the public interest in the circumstances of the case.*

44. One administrative authority with jurisdiction for investigating alleged infringements of human rights is the Ombudsman. His role is to investigate complaints made by individuals concerning the administrative acts or decisions of Government agencies. The Ombudsman holds office for a period of five years and is appointed by the President acting in consultation with the Prime Minister and the Leader of Opposition. The Ombudsman Act No. 23 of 1977 provides that complaints to the Ombudsman and requests for investigation shall be made in writing, but in practice complaints made by telephone or fax are acted upon. Section 3(4) of the Act states that where the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority, he may refer the matter to the authority competent to take such disciplinary or other proceedings against him. The Ombudsman has published annual reports since 1977. On average, 1000 new complaints are made to the Ombudsman each year. The Ombudsman in his 1997 report stated that complaints "are received from citizens throughout the two islands and from every social group, race and class." In 1997, a total of 1276 complaints were

made to the Ombudsman and by year-end the Ombudsman had completed investigations on some 48 % of these complaints.

45. Another administrative body with jurisdiction affecting human rights is the Police Complaints Authority. This is a statutory body set up in 1995, which consists of five members appointed by the President. At present the Chairman of the Authority is a retired Court of Appeal Judge. The functions of the Authority under the Act are to receive complaints on the conduct of any police officer and to monitor the investigation of complaints by the Complaints Division. The Complaints Division set up by the Commissioner of Police in accordance with the Act is staffed by police officers. The Complaints Authority records all complaints and submits them to the Complaints Division for investigation and resolution. The Division investigates all complaints in a thorough and impartial manner except that where the Head of the Division is of the view that the complaint is frivolous, no action shall be undertaken. Complaints may be resolved in a number of ways including, by counselling, instituting disciplinary proceedings or by criminal Court action.

46. In Trinidad and Tobago, international law provisions are not automatically incorporated into and do not have direct effect on municipal law unless expressly transformed into domestic law by an Act of Parliament. The Government of Trinidad and Tobago is currently reviewing all treaties and conventions entered into, to ensure that international obligations are being given effect in domestic law and where necessary, legislation is being drafted for its implementation.

Information and Publicity

47. The Human Rights Unit of the Ministry of the Attorney General and Legal Affairs was formed in 1998 and is responsible for the preparation of all periodic reports as part of the treaty obligations under the various international human rights agreements to which Trinidad and Tobago is a State party. Some of the other functions of the Unit are as follows:

- The preparation of responses on behalf of the State in respect of petitions and communications submitted to the international human rights bodies claiming violations of treaty obligations by Trinidad and Tobago.

- The provision of advice on the ratification of those international human rights instruments not yet ratified by Trinidad and Tobago.

- The review of reservations made by Trinidad and Tobago to international human rights treaties already ratified.

- The review of the compatibility of domestic laws in Trinidad and Tobago with obligations under international human rights treaties.

- The promotion of a greater awareness of human rights instruments and Trinidad and Tobago's legal obligations under them.

- The provision of representation before the supervising Committees, namely the Human Rights Committee, and the Committee on the Elimination of All Forms of Racial Discrimination.

48. In addition to the Human Rights Unit, a special Cabinet appointed Committee comprising representatives of relevant Ministries of Government was set up earlier this year to provide a permanent inter ministerial body to supply up to date and accurate information pertaining to their Ministries on a continuous basis to the Human Rights Unit.

49. In the past, Periodic Reports were not widely circulated. However, the Government is taking steps to correct this. The Third Periodic Report of the Republic of Trinidad and Tobago under the International Covenant on Civil and Political Rights, prepared in 1999, was laid in Parliament and a statement was made by the Attorney General when it was laid. Copies of the Report were then circulated to Trinidad and Tobago missions abroad, foreign missions in Trinidad and Tobago, international human rights organisations and all non-governmental organisations in Trinidad and Tobago. Comments have been requested from the various organisations on the content of the Report. The Second and Third Periodic Report of the Republic of Trinidad and Tobago under the International Covenant on Economic, Social and Cultural Rights and the Eleventh through Fourteenth Periodic Report under the International Convention on the Elimination of Racial Discrimination of All Forms of Racial Discrimination were prepared in 2000, and laid in Parliament. A statement was made by the Attorney General when each report was laid in Parliament. Currently, steps are being taken to have the Report published on the web page of the Ministry of the Attorney General and Legal Affairs and to have copies of the Report made available for purchase by members of the public at a nominal fee. The Report also contains a copy of the Covenant. The Government intends to continue to lay these Reports in Parliament and to make copies of them available to members of the public.

50. There is also an Information Division of the Office of the Prime Minister which is mandated to manage the Government's communications policy and is responsible *inter alia* for communicating with the public, providing access to Government information and providing an enhanced public education facility. The Division has a Television Unit which produces television programmes and documentaries on national, social and cultural issues, and provides coverage of Government activities. The Division's Radio Unit informs the population about Government activities, projects and policies and broadcasts features relating to national and international events. The research arm of the Research/Library Unit is responsible for the production of leaflets, brochures, booklets, posters, etc. of national interest to the public, including human rights issues. Over the period 1996 to 1999, the Information Division produced over 25 programmes intended to educate the public about their civil rights, including a series on the administration of justice. With respect to the television unit, some eleven features have been produced

since 1996 to disseminate information on new and existing legislation affecting the public. These included *inter alia*:

- Equal Opportunities Bill
- Constitutional Amendment Bill
- Criminal Justice
- Domestic Violence Bill
- International Criminal Court
- Regional Magistrate's Conference
- Dangerous Drugs Bill
- Human Rights Day Speech

51. In the past, a booklet entitled *A citizen's guide to the Constitution* produced by the Ministry of the Attorney General, has been circulated to 600 school libraries, 100 rural schools, 68 private schools, 78 embassies, 90 special libraries and 30 foreign missions. Also circulated was a booklet entitled the *Foundations of Government* which provides information on the Republican Constitution and structure of Government. Information on the United Nations is also circulated subject to the availability of material. The Ministry of Information also mounts displays to mark international days observed by the United Nations including Human Rights Day.

Status of Women

52. Over the past twenty-five years, efforts have been made to repeal or amend all known discriminatory provisions relating to women which existed in law. Among the important legislative improvements to the condition of women were the grant of the franchise to women in 1946 and the enactment in 1972 of legislation updating and modernizing the law in relation to divorce. The latter provided, for the first time, new ancillary reliefs to divorce. By the early 1980s, many provisions within the Convention of the Elimination of All Forms of Discrimination against Women were satisfactorily addressed by the statute law of Trinidad and Tobago.

53. In 1980, the Married Persons Act, Chap. 45:50 protected the rights of women who may have contributed in money's worth to the acquisition of property which up until that point went solely into the husband's name. In 1981, the Status of Children Act, Chap. 46:07 was enacted to remove the legal disabilities of illegitimate children. The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 was passed alongside the Status of Children Act and introduced benefits to women in at least two very important areas: (1) it abolished the rule of law whereby a married women automatically acquired the domicile of her husband; and (2) it equalised the rights of women to the custody of their children with those previously enjoyed only by their husbands. By virtue of the Constitution, women (both married and unmarried) are equally entitled as men to pass their nationality onto their children who are born outside of Trinidad and Tobago.

54. In 1975, married women became entitled to file separate tax returns by virtue of an amendment to the Income Tax Ordinance, Chap. 33, No. 1 through the enactment of the Finance Act, 1976. In 1961, women became entitled to act as jurors. This gender-based restriction was repealed in December 1961 by an amendment to the Jury Act, Chap. 6:53. Women also enjoy the same rights as men to enter the labour force; to serve as candidates for local, municipal and national elections, and to initiate legal action when their rights are infringed. In respect of equal pay for work of equal value, although this principle applies to a large extent in the public sector, there is evidence that female daily paid workers on government farms are paid less than male workers for identical work.

55. In the area of education and training, girls are equally entitled as boys to compulsory schooling up to the age of 12 years, and thereafter to secondary education. Post secondary education (including technical and vocational) is available on an openly competitive basis.

56. In respect of the workplace, legislation provides particular protection for women. The 1948 Factories Ordinance, provides for separate sanitary conveniences for persons of each sex, and states that "no woman or young person shall be employed in a factory otherwise than in accordance with any regulations or orders which may be made."

57. In 1974, a National Commission on the Status of Women was appointed, and on 1st January 1980, a permanent Commission on the Status of Women was established. This Commission was replaced in 1986 by a Women's Bureau for the Advancement of Women under the portfolio of the then Ministry of Social Welfare and the Status of Women. In 1991, the Division of Women Affairs was established within the Ministry of Community Development, Culture and Women's Affairs. The Women's Affairs Division developed a short-term plan of action for the advancement of the status of women in collaboration with women's non-Governmental organisations. In 1993, the Women's Affairs Division entered into a Technical Agreement with the Inter-American Development Bank for the institutional strengthening of the Division. This strengthening exercise enhanced the technical and physical capacity of the Division to promote an active policy of gender mainstreaming and the advancement of women in Trinidad and Tobago.

58. Presently, responsibility for the promotion of official Government policy in support of gender and development is vested in the Gender Affairs Division of the Ministry of Culture and Gender Affairs. The Division is constantly being strengthened to increase its capacity to formulate, monitor, evaluate and manage gender mainstreaming in policy and programme development within the public and private sector. An Inter-Ministerial Committee and the National Council of Women have also been put in place as advisory bodies to the Gender Affairs Division. In addition, a Male Support Committee,Task Force to Review a Draft National Gender Policy, a Task Force to Develop a Comprehensive Policy and create a Central Registry for Data on Domestic Violence and an Ad Hoc Committee to support Women in Production and Trade have all been established to lend specific support to the work of the Division. In 1998, a Gender Division was also established in the Tobago House of Assembly.

59. The advancement of women is also supported by the work of an active women's movement in Trinidad and Tobago, comprising several women's non-governmental organisations and hundreds of women's community-based organisations. These have been active in the areas of advocacy, training, research and education with respect to the human rights of women, including violence against women, employment, politics and decision-making, education, health and issues concerning rural women. They have also been pioneers in the development of support services for victims of domestic and sexual violence, women living with H.I.V./A.I.D.S. and women suffering from substance abuse. In addition, these non-Governmental organisations have also piloted and sustained income-generating activities for women through their programmes. The last five years has also been marked by the formation of several men's non-Governmental organisations, which are active in supporting the advancement of women, lobbying for the elimination of violence against women and for re-socialising men and boys throughout the country. Although the State provides some financial assistance to support the activities of these non-Governmental organisations, heavy reliance is placed upon external and other sources of funding.

60. In 1998, a draft gender policy was developed to expand the Government's Policy Statement of 1987. This document is now being reviewed for national adoption.

61. The Government's Medium Term Policy Framework includes a commitment to incorporate a gender perspective in development planning at the policy and program levels, so as to focus on activities related to the achievement of gender equity over the medium term.

62. The Government has also recognised that solutions to women's critical areas of concern are embedded in the gender relations between women and men. In this regard the Government is committed to:

- promoting gender equality and equity through an active and visible policy of gender mainstreaming;

- promoting and strengthening the effectiveness of the National Machinery for Inter-Ministerial Co-ordination, Inter-Sectoral collaboration and networking among non-governmental organisations; and

- empowering and equipping the Gender Affairs Division with a clear mandate, authority and capacity to act as the central body for gender policy development and for monitoring the mainstreaming of a gender perspective into all national programmes and policies.

63. While the overall status of women in Trinidad and Tobago compares favourably with other medium income developing countries with respect to most social indicators, including life expectancy, maternal mortality, educational enrollment and educational attainment, women do continue to experience a wide range of gender based constraints to their economic productivity and overall well being.

PART TWO:
SPECIFIC PROVISIONS OF THE CONVENTION

Article 1

64. The principle of gender equality is enshrined within the Constitution of the Republic of Trinidad and Tobago, which prohibits discrimination based on sex, religion, ethnicity, colour, and origin. The general policy of eliminating discrimination against women therefore, stems from S.4 of the Constitution:

> *4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex the following fundamental rights and freedoms, namely-*
>
> *(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;*
>
> *(b) the right of the individual to equality before the law and the protection of the law;*
>
> *(c) the right of the individual to respect for his private and family life;*
>
> *(d) the right of the individual to equality of treatment from any public authority in the exercise of his functions;*
>
> *(e) the right to join political parties and to express political views;*
>
> *(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;*
>
> *(g) freedom of movement;*
>
> *(h) freedom of conscience and religious belief and observance;*
>
> *(i) freedom of thought and expression;*
>
> *(j) freedom of association and assembly; and*
>
> *(k) freedom of the press.*

65. Although the Constitution of the Republic of Trinidad and Tobago does prohibit discrimination on the basis of sex in respect of the rights contained in S.4, it does not contain a separate provision that specifically targets discrimination against women.

66. The Preamble of Trinidad and Tobago's Constitution (August 1976) refers to the "equal and inalienable rights which all members of the human family are endowed." The rights enshrined under the Constitution are expressed as rights of the "individual" and are therefore guaranteed to "all members of the human family" within the jurisdiction.

67. Each Ministry within the Government operates under its own policy which must be consistent with the provisions of the Constitution, and which must provide for anti-discriminatory practices. The Ministries must carry out their responsibilities, including the provision of goods and services to the public, without discrimination by reason of race, origin, colour, religion or sex.

68. The Constitution of Trinidad and Tobago does not provide a definition of discrimination, but does state that discrimination by reason of sex is forbidden. Under this umbrella, individual Ministries have also adopted their own definitions of discrimination. For instance, the Ministry of Social and Community Development has defined discrimination as "distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." In a draft Patient's Charter prepared by the Ministry of Health, discrimination is defined as distinction based on "gender, religion, race, social class or national origin." The Ministry of Education has defined discrimination as distinction based on "gender, ethnic, economic, social or religious background." Finally, the Gender Affairs Division of the Ministry of Culture and Gender Affairs has defined discrimination as inequality on the basis of sex, race, age, ethnicity, disability and religion.

69. In Trinidad and Tobago gender-based violence is not defined as a form of discrimination, however it is recognised and treated as a violation of the rights of women. There is however, recognition at the official level that gender-based violence is in fact a form of discrimination. This is confirmed by Trinidad and Tobago's ratification of this Convention, as well as of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women Convention of *Belem Do Para*, which was adopted on 9 June 1994 and ratified by this country on 11 January 1996. Further, the United Nations Committee on the Elimination of Discrimination Against Women adopted General Recommendation No. 19 which defined gender-based violence against women because they are 'women' as discrimination, because gender-based violence affects women disproportionately. This recommendation has since been incorporated into the reporting guidelines for this Convention on which every State Party, including Trinidad and Tobago, must report. Trinidad and Tobago has also endorsed and adopted the 1993 Vienna World Conference on Human rights "Programme of Action" and the 1995 Beijing "Platform for Action" which explicitly points out that violence against women constitutes a human rights violation. Finally, this principle is reflected in the research and activism of the women's movement in Trinidad and Tobago.

70. Section 3 of the repealed Domestic Violence Act, No. 10 of 1991 defined a domestic violence offence as:

> *a prescribed offence committed by a person against –*
> *(a) a spouse of the person;*

(b) a child or dependant of the person or of a spouse of the person; or
(c) a parent.

To this end, the Act provided that 'prescribed offences' included murder, attempted murder, manslaughter, attempted manslaughter, shooting or wounding with intent to do grievous bodily harm, inflicting injury with or without a weapon, attempting to choke, suffocate or strangle, using drugs to commit an indictable offence against the person, administering poison, endangering the life of a child under two years of age, causing bodily injury by explosive substances, causing bodily harm by wanton or furious driving, rape, sexual assault by a husband, incest, sexual intercourse with a minor, buggery, indecent assault, serious indecency, cruelty to children and young persons, suffocation of infants, exposing children to the risk of burning and allowing children or young persons to be in brothels.

71. In 1999, a new Domestic Violence Act, No. 27 of 1999 was enacted. This Act introduced comprehensive domestic violence legislation that brought domestic legislation on par with international standards as specified by the United Nations Commission on Human Rights. The Act created a wider range of speedy and flexible remedies aimed at discouraging the increasing incidents of domestic violence in the country, and at the same time broadened the definition of domestic violence. Section 3 of the Act provides the following definitions:

3. In this Act –

... "domestic violence" includes physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, child, any other person who is a member of the household or dependant;

"emotional or psychological abuse" means a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person including:

(a) persistent intimidation by the use of abusive or threatening language;
(b) persistent following of the person from place to place;
(c) depriving that person of the use of his property;
(d) the watching or besetting of the place where the person resides, works, carries on business or happens to be;
(e) interfering with or damaging the property of the person;
(f) the forced confinement of the person;

"financial abuse" means a pattern of behaviour of a kind, the purpose of which is to exercise control over, or exploit or limit a person's access to financial resources so as to ensure financial dependence;

... "physical abuse" means any act or omission which causes physical injury and includes the commission of or an attempt to commit any of the offences listed in the First Schedule;

> *... "sexual abuse" includes sexual contact of any kind that is coerced by force or threat of force and the commission of or an attempt to commit any of the offences listed in the First Schedule.*

The offences listed in the First Schedule of this Act are similar to the 'prescribed offences' listed under the old Act, which have been listed in paragraph 69 above.

72. The rights "to equality before the law and the protection of the law" are recognised in S.4 (b) of the Constitution and are guaranteed without discrimination "by reason of race, origin, colour, religion or sex." Equality before the law has derived from the concept of equality in the treatment of persons by organs of the State. In Trinidad and Tobago this concept is also guaranteed by S. 4(d) of the Constitution which provides:

> *(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions.*

This subsection has been held by Courts to apply to both legislation and administrative acts of officials. The Constitution ensures that where parties are similarly placed, they are entitled to equal treatment under the law. The expression "protection of the law," has received judicial interpretation by the Judicial Committee of the Privy Council, which has stated that access to a Court of Justice is itself the protection of the law referred to in the Constitution. As long as the judicial system of Trinidad and Tobago affords a procedure by which a person can seek redress, he or she cannot complain of having been deprived of the protection of the law.

Article 2

73. Section 2 of the Constitution declares that it is the supreme law and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency. Although the Constitution does not make explicit provision for all of the human rights contained in the Convention on the Elimination of Discrimination Against Women, these rights are provided for in other legislation and through other measures which must be administered in a manner that is consistent with the Constitution.

74. Section 13 of the Constitution permits Parliament to pass laws which are inconsistent with the fundamental human rights sections of the Constitution. However, before such a law can be passed it must be supported by not less than three-fifths of all the members of each House of Parliament. Further, even if such a law is passed with the required Parliamentary majorities, that legislation is still open to challenge in the High Court, on the ground that it is not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

75. Individuals, including women whose Constitutional rights have been, are being or are likely to be violated by any arm of Government, or any servant or agent of the State, may apply under S.14 of the Constitution, by way of originating motion to the High Court for redress. The High Court has original jurisdiction in Constitutional matters but the

Constitution provides a right of appeal to the Court of Appeal, and a further right of appeal to the Judicial Committee of the Privy Council in any proceedings which involve a question as to the interpretation of the Constitution. If the Court finds that a violation of a Constitutional right has occurred, it will a declaration to this effect and award monetary compensation to the aggrieved person.

76. While remedies are available to women under the Constitution in respect of acts of discrimination committed by the State, the Constitution does not prohibit acts of discrimination by non-State or private bodies, nor is there in existence any legislation which deals with the same. However, to an extent, this lacuna is being filled by the enactment of the Domestic Violence Act, No. 27 of 1999, which provides a prompt and equitable legal remedy for victims of domestic violence whereby the victim (who may be a spouse, child or a dependant of the respondent) can apply to the Court for a Protection Order (Ss. 5 and 6). The Equal Opportunity Act, No. 69 of 2000 provides for compensation, damages and fines in Ss. 36 and 48.

77. Another effective domestic remedy available to individuals (including women) who claim that their rights have been violated is the Judicial Review procedure, referred to in paragraphs 42-43 of this periodic report.

78. The Ombudsman, as discussed in paragraph 44 above, is one administrative authority with jurisdiction for investigating alleged infringements of human rights.

79. Other legal structures that guarantee equality between men and women, and bring domestic legislation on par with the Convention, include the following:

- The **Matrimonial Proceedings and Property Act**, Chap. 45:51 (as amended), was enacted in 1972 to amend the grounds of divorce, nullity and judicial separation, to facilitate reconciliation in matrimonial causes, to regulate matrimonial proceedings and to amend the law related to the property of married, divorced and separated persons. Under this Act, the wife has the same rights with respect to property as the husband.

- The **Married Persons Act**, Chap. 45:50 protects a woman's right to make a contract in her own name and without her husband's permission. This Act also makes provision in respect of the rights of women regarding the administration of property.

- The **Domestic Violence Act, No. 27 of 1999** was enacted to repeal the Domestic Violence Act, No. 10 of 1991 with the aim of ensuring a prompt and equitable legal remedy for victims of domestic violence. This Act makes provision for compensation for victims of domestic violence, for the empowerment of the Court to provide financial relief for the benefit of the applicant of any child, and makes provision for the enlargement of the ambit of protection orders.

- The **Legal Aid and Advice (Amendment) Act, No. 18 of 1999** was recently enacted to amend the existing legal aid scheme. The Act has been amended to *inter alia* allow more persons to qualify for the grant of legal aid and to increase the fees payable to lawyers in legal aid matters. This amendment has also made provision for legal aid to be granted in respect of applications made under the Domestic Violence Act, No. 27 of 1999. Further, where a person desires legal aid as a matter of urgency in respect of proceedings relating to domestic violence, the Director of the Legal Aid Authority now has the power to issue an emergency certificate to enable that person to acquire prompt representation.

- The **Maternity Protection Act, No. 4 of 1998** was implemented to prevent discrimination against women by employers on the grounds of pregnancy. Under this Act, women are guaranteed paid maternity leave for 13 weeks, the protection against dismissal on the grounds of pregnancy, and the right to return to work on the same terms and conditions, or substantially similar terms and conditions after the conclusion of the maternity leave.

- **The Cohabitational Relationships Act, No. 30 of 1998** was implemented in recognition of the high incidence of common law unions and the rights of common law spouses. In the past, common law spouses had no rights, yet it was estimated that no fewer than 40,724 people live in common law unions (1990 Census). Under this legislation, common law spouses who have been living in a cohabitational relationship for not less than five years or who have a child arising out of that relationship, have the right to make an application for maintenance to both the Magistrates' Court and the High Court. They also have the right to apply to the High Court for an adjustment of property.

- Marriage is permitted in Trinidad and Tobago under the **Marriage Act**, Chap. 45:01, the **Muslim Marriage and Divorce Act**, Chap. 45:02, the **Hindu Marriage Act**, Chap. 45:03 and the **Orisa Marriage Act**, No. 22 of 1999. Each Act requires that each party freely consents to the marriage.

- The **Family Law (Guardianship of Minors, Domicile and Maintenance) Act**, Chap. 46:08 makes provision for the custody and maintenance of children and gives women the same rights to custody of their children as men.

- The **Sexual Offences (Amendment) Act, No. 31 of 2000** amended legislation relating to sexual offences to protect women against various sexual offences, including rape, sexual assault, incest and sexual indecency. This Act was recently enacted to amend the 1986 Act so as to cover all forms of sexual violation, and to increase penalties for previously identified violations.

- The **Equal Opportunity Act, No. 69 of 2000** was enacted to prohibit discrimination and promote equality of opportunity for persons irrespective of gender, colour, race, ethnicity, origin, including geographical origin, religion, marital status or ability. This Act applies to discrimination in relation to

employment, education, the provision of goods and services, the provision of accommodation, the ground of status and by victimisation.

- The **Citizenship Act**, Chap. 1:50 and the **Immigration Act**, Chap. 18:01 make provision for matters relating to the acquisition, change and retention of nationality, which apply to men and women equally.

- The **Minimum Wage Order, 1998** was enacted under the **Minimum Wages Act,** Chap. 88:04 to provide for the establishment of a single economy-wide minimum wage that covers all workers in Trinidad and Tobago.

- The **Children Act,** Chap. 46:01 as amended by **Act No. 19 of 1994**, makes provision for the protection of children who are ill treated or neglected.

- The **Status of Children Act,** Chap. 46:07 (as amended) provides that children born out of wedlock enjoy the same equal status as those children born in wedlock.

- The **Children's Authority Act, No. 64 of 2000** seeks to establish a Children's Authority to act as the guardian of the children of the Republic of Trinidad and Tobago. This Act establishes strict guidelines for the social system in respect of children, and allows the Authority to receive and temporarily assume parental rights and obligations with respect to any child brought to its attention as being in need of care and protection. The Act compels the Authority to bring such children, where it believes necessary, before the Court in order for the Court to either revoke the assumption or affirm it, and make the appropriate care order in respect of that child. The aim of this Act is to ensure that children are adequately provided and cared for, whether they are in a family situation or not.

- The **Adoption of Children Act, No. 67 of 2000** repealed the existing Adoption of Children Act, Chap. 46:03 and brings the domestic law in harmony with developing trends in this area. This legislation was enacted to regulate the procedure governing adoption in Trinidad and Tobago, and reflects the recommendations for reform of adoption laws submitted by various interest groups. Under this Act, the Adoption Board must cooperate with and assist the Children's Authority in the attainment of its objectives, and gives the Family Court the jurisdiction to make adoption orders. The Act also eliminates the hardship experienced by persons resident abroad who wish to adopt children in Trinidad and Tobago. It also makes provision for enabling a child who is a resident of Trinidad and Tobago to be placed with foreign adopters who are not resident in Trinidad and Tobago, thus removing the nationality restriction imposed by the existing adoption laws. Safeguards to protect children who are to be placed with foreign adopters are also introduced.

- The **Children's Community Residences, Foster Homes, and Nurseries Act, No. 65 of 2000** seeks to make provision for the monitoring, licensing and regulating of children's homes, rehabilitation centres, foster homes and nurseries. This Act provides that such residences must meet specific licensing, monitoring and regulating requirements.

- The **Miscellaneous Provisions (Children) Act, No. 66 of 2000** was enacted to amend a number of existing laws affecting children in order to effect reform and to ensure that Trinidad and Tobago complies with its obligations under the International Convention on the Rights of the Child.

- The **Children (Amendment) Act, No. 68 of 2000** was enacted to further bring existing legislation pertaining to children in conformity with the International Convention on the Rights of the Child. The main change being implemented through this Act is that the definition of 'child' will be amended so as to cause the upper age limit for a "child" to be increased from fourteen to eighteen years.

80. In respect of the above listed legislation, there is no distinction between men and women in respect of the right to institute Court proceedings. Men and women have an equal right to institute Court proceedings.

81. There is no available information or statistics in respect of the number of cases involving discrimination against women that have been brought before the Courts during the reporting period, or the decisions that have been handed down in those cases. However, the 1999-2000 Annual Report of the Judiciary provides the following statistics (which do not disaggregate by gender in respect of the person alleging the violation):

Magistrates Court Caseload – New Cases Filed

Date	Type of Case	
	FAMILY	DOMESTIC VIOLENCE
1 August 1999 – 31 December 1999	4585	2370
1 January 2000 – 31 July 2000	6815	4184
TOTAL	11400	6554

Magistrates Court Caseload – Cases Disposed Of

Date	Type of Case	
	FAMILY	DOMESTIC VIOLENCE
1 August 1999 – 31 December 1999	5195	2387
1 January 2000 – 31 July 2000	8113	4449
TOTAL	13308	6836

The case type "Family" refers to applications made under the Status of Children Act, 1981 and the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, as amended by Act No. 15 of 1981.

82. The Gender Affairs Division of the Ministry of Culture and Gender Affairs is the Government agency responsible for developing gender policy and monitoring the mainstreaming of gender perspectives into Government policies and programmes through gender sensitisation.

83. The mandate of the Division stems from its mission statement:

> *To effectively promote Gender Equity and Gender Equality through the process of Gender Mainstreaming in all Government Policies, Programmes and Projects.*

To this end, the Division has initiated a number of programmes and projects which apply specifically to the needs of men and women. This is done through the implementation of gender sensitisation projects, and through the heightening of awareness whereby discrimination levied against women is discouraged.

84. Support services to victims of family violence, abuse, sexual assault and other forms of gender-based violence are available at the official, or Government level as well as through non-Governmental organisations. At the Government level, a Domestic Violence Unit has been established at the Ministry of Culture and Gender Affairs, which established and currently operates the Domestic Violence Hotline. This hotline acts as a referral service for victims of domestic violence, who are provided with information in respect of safe houses, shelters or counselling services. There are approximately 15 shelters in the country. If the victim wishes to remain in his or her home, then the counselor who receives the call can refer the person for counselling. There are approximately 16 counselling centers for victims of domestic violence, of which the Family Services Division of the Ministry of Social and Community Development is the official agency. The Probation Department of the Ministry of Social and Community Development is also a designated official counseling agency.

85. In respect of gender-sensitive training for public officials, several initiatives have been taken. Since February 1999, four pilot workshops were held to provide gender-sensitisation to key individuals within the public and private sector in Trinidad and Tobago. These were provided through the Ministry of Culture and Gender Affairs and involved the participation of 14 Permanent Secretaries and Senior Officers of key Ministries, 23 members of the Judicial, Legislative and Protective Services and 12 members of the private sector. The training included sensitisation of gender in relation to national development, management, the law and employment practices. The Gender Affairs Division of the Ministry of Culture and Gender Affairs, recognises that despite recent and ongoing training initiatives, further training in the areas of gender planning and analysis to enable a deeper consideration of gender equality is required in respect of members of the Judiciary, Parliament and the Protective Services.

86. Community Policing Units have been established in Trinidad and Tobago to deal with social issues affecting communities, especially domestic violence. Police personnel in these Units receive extensive training to promote a gender-sensitive approach to policing.

87. In 2000, the Caribbean Institute for Feminist Research and Action (C.A.F.R.A.), a regional women's non-govenmental organisation with headquarters in Trinidad, in conjunction with the Inter-American Development Bank, the Department for International Development, the Caribbean Development Bank and the Association of Caribbean Commissioners' of Police, co-ordinated the establishment of a regional domestic violence training programme for police officers and social workers. The programme is being implemented on a phased basis. The first phase entailed the development and testing of a training manual for the region, while the second phase entailed training of trainers. Thirty-one police officers and five social workers from Trinidad and Tobago received training during the second phase. The training was conducted over a five day period and covered legal, sociological and other factors associated with domestic violence. Gender sensitisation issues were also covered in the context of gender based violence.

88. The C.A.F.R.A. training programme is the first attempt to introduce systematic gender and violence training in the training programmes of police officers in the region. The thirty one police officers are to be strategically placed to accomplish this in Trinidad and Tobago. This constitutes the third phase of the programme.

89. Of the 31 police officers trained, 2 officers are now trainers at the Police Training College. The Police Training College trains approximately 150 recruits each month. The result is that, every year, approximately 300 recruits are to be trained in the area of gender sensitisation within the broader issue of domestic violence, by the time they graduate. The remaining 29 police officers also train other officers who are already posted, particularly those officers stationed in the community police units, as well as various police divisions located throughout the country.

90. In respect of judicial training, a Roundtable on Gender and Human Rights for Magistrates was held on 25-26 August 2000 and was hosted by the United Nations Development Fund for Women (U.N.I.F.E.M.) in conjunction with the Faculty of Law of the University of West Indies in Trinidad. The aim was to sensitise Magistrates in respect of the need to integrate a gender perspective in their work, to improve the response of Magistrates to the problem of gender-based violence and to encourage Magistrates to use international and regional human rights instruments as reference points in respect of cases that involve gender-based violence. One Senior Magistrate and one Magistrate attended this Roundtable.

91. Trinidad and Tobago was formerly a British Crown Colony that became self-governing in 1956. As a result, the country retained much of the legislation of Britain, which governed the country before independence. While the Government has been active

in repealing outdated legislation, there continues to exist legislation which is or has the potential of discriminating against women. These include:

- Section 6 of the Constitution which makes provision for exceptions in respect of existing laws, in effect endorsing laws that may be inconsistent with Ss. 4 and 5 of the Constitution, including those which may be discriminatory against women:

> *6. (1) Nothing in sections 4 and 5 [of the Constitution] shall invalidate–*
>
> *(a) an existing law;*
> *(b) an enactment that repeals and re-enacts an existing law without alteration; or*
> *(c) an enactment that alters an existing law but does not derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right.*

- The Widows' and Orphans' Pensions Act, Chap. 23:54 was enacted in 1934 to regulate pensions of deceased public officers. This Act excludes women from the definition of 'public officer' under S.2. This is problematic for single mothers who for instance, are prevented from benefiting from this scheme, as their children cannot benefit in the event of their mother's death.

> *2. In this Act –*
>
> *... "public officer" means any male person for the time being holding a permanent appointment in the public service of Trinidad and Tobago and includes –*
>
> *(a) a member of the Trinidad and Tobago Police Service;*
> *(b) a male teacher;*
> (c) *a fire officer.*

- The Minimum Wages Act, Chap. 88:04 under S.24 provides a criminal remedy for contraventions of Minimum Wage Orders made under the Act. The Act therefore, is not justiciable in the Industrial Court and does not provide monetary compensation for workers who are found to have been paid less than the statutory minimum wage:

> *24. (1) Every employer who pays a worker less than the statutory minimum remuneration or whose terms and conditions of service are less favourable than the terms and conditions of the service prescribed in a Minimum Wage Order applying to such worker or who contravenes the provisions of section 19 or 20 [relating to the effect of the order or keeping of records, respectively] is liable on summary conviction to a fine of two thousand dollars and to imprisonment for two years.*

- The Employment of Women (Night Work) Act, Chap. 88:12 regulates the employment of women during the night in industrial undertakings. Section 5 of

the Act is discriminatory against women in that it prohibits the employment of women at night, except in certain instances, which are provided under S. 6. These include:

> *(a)...an industrial undertaking in which only members of the same family are employed;*
>
> *(b)...women holding responsible positions of management who are not ordinarily engaged in manual work;*
>
> *(c)...a case where it is shown to the satisfaction of the Court trying any proceedings brought under this Act that the night work complained of was due to a cause beyond control bringing about the interruption of work which it was impossible to foresee and which is not a recurring character, or where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when the night work is necessary to preserve the materials from certain loss;*
>
> *(d) the preparation and packing of fresh fruit for immediate shipment.*

- The Industrial Relations Act, Chap.88:01 excludes domestic workers from the definition of 'worker.' In Trinidad and Tobago, domestic workers are generally female.

> *2(3) For the purpose of this Act, no person shall be regarded as a worker if he is-*
>
> *(f) employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and paid by the householder.*

92. With respect to the above, initiatives are being taken to repeal provisions identified in the legislation as being discriminatory against women. These include:

- In respect of the Widows' and Orphans' Pensions Act, Chap. 23:54, a Committee was set up to review this Act and did submit a report to Cabinet, but to date no initiatives have been taken to revise the legislation.

- In respect of the Sexual Offences Act, No. 27 of 1986, the Sexual Offences (Amendment) Act, No. 31 of 2000 has amended the law to provide a husband can now be charged with the rape of his wife during the course of their marriage. In addition, new offences covering all forms of sexual violation, along with increased penalties for previously identified violations, have been introduced.

- In respect of the Employment of Women (Night Work) Act, Chap. 88:12 an Occupational Safety and Health (No.2) Bill, 1999 was recently introduced in Parliament for debate in an effort to revise and extend existing legislation relating to the safety, health and welfare of all persons at work. This Bill, if enacted would

repeal the Factories Ordinance, 1948 and the Employment of Women (Night Work) Act, Chap. 88:12. The Bill was not supported by the Opposition when it was laid in Parliament. However, the Bill can be re-introduced in Parliament in due course.

- In respect of S.6 of the Constitution, S. 24 of the Minimum Wages Act, Chap. 88:04, and S.2 of the Industrial Relations Act, Chap. 88:01 no initiatives have been made or taken to revise or repeal this legislation.

93. Other non-legislative constraints to the promotion of gender equality in Trinidad and Tobago which have been identified by the Ministry of Culture and Gender Affairs, include the following:

- cultural attitudes (patriarchal ideology);
- the impact of globalisation;
- structural and institutional obstacles, including a lack of financial and human resources; and
- weak inter-agency collaboration for the conduct of work targeting gender related issues.

Article 3

94. The Gender Affairs Division of the Ministry of Culture and Gender Affairs is instrumental in the improvement of the status of women and in the implementation of programmes and measures that promote and supervise the advancement of women. The central areas of focus within the Division are the following:

- gender sensitisation and gender mainstreaming;
- the economic empowerment of women;
- the effective protection of the human rights of women, predominantly the prevention of violence against women; and
- the advancement of women in leadership and decision-making roles within the country.

95. The priority areas of the Government and of the Gender Affairs Division specifically include the prevention of domestic violence and the re-socialisation of gender related behaviour and attitudes in all aspects of society. In respect of domestic violence, a Domestic Violence Unit has been established to provide a comprehensive and integrated response to victims of such situations. This is done through the following initiatives:

- 24-hour, toll free, hotline (800-SAVE);
- community-based drop-in/information centre;
- building linkages with the Community Policing Unit, shelters and service providers;
- male awareness/support programme;

- collection and analysis of domestic violence data, and the establishment of a Task Force/Committee to develop a national policy on data collection on domestic violence;
- extensive public awareness programme involving the production of procedure manuals, information booklets, posters and brochures, which are disseminated at various activities; and
- support groups for male and female victims of domestic violence.

96. As to the re-socialisation of gender-related behaviour and attitudes, the Gender Affairs Division has identified obstacles that hinder the full development of men, women and children in respect of gender specific development as barriers to equality which are recognised to be socially constructed by norms and traditions. These are targeted to support and encourage the attitudes that eliminate inequality based not only on the basis of sex, but also race, age, ethnicity, disability and religion. Programmes and projects which have been implemented by this Division in this regard include:

- the establishment and work of The Women's Leadership and Enhancement Institute;
- the Training and Sensitisation in Gender and Development Programme (which targets Governmental, non-Governmental and community-based organisations, in addition to the wider society);
- the Regional Programme of Non-Traditions Training for Women funded by the Inter-American Development Bank, with matching funds from the Governments of Belize, Jamaica, Guyana and Trinidad and Tobago;
- the establishment of a Male Support Programme in 2000 in the Gender Affairs Division;
- the development of gender sensitive statistics and indicators, with a current focus on 'the standardisation and collection of domestic violence statistics";
- the development of a National Gender Policy;
- hosting conferences, consultations and seminars to address critical gender-specific issues ; and
- the provision of financial and technical support to community-based organisations.

97. In addition to these initiatives, training and sensitisation programmes have been conducted in the country which have targeted the private sector, senior Government personnel, including Government Ministers, and the Judiciary. The most recent entailed a five-week training programme of the Regiment personnel of the Defence Force. For this purpose, a comprehensive gender training manual and gender training video were produced, and several training-of-the-trainer programmes were conducted to assist in gender mainstreaming. There has also been a decisive move toward the inclusion of a gender perspective in national agendas. Subsequently, the number of requests from agencies for training, gender analysis support and information has increased.

98. The Gender Affairs Division also contributes to the inclusion of a gender perspective in policy formation by sitting on a number of National Committees, including the following:

- The National Youth Task Force,
- The Education and Curriculum Development Task Force,
- The Steering Committee of the Network of Rural Women Producers,
- Save the Youth in Marginalised Communities,
- The Committee to Implement the National Plan of Action for Children in Difficult Circumstances,
- The Technical Advisory Committee on the Counting of Unremunerated Work,
- The Technical Advisory Committee on the Population and Housing Census in the Year 2000,
- The National Crime Committee,
- The National Ad Hoc Committee for Review of the Domestic Violence Act, and
- National Family Services Committee.

99. In addition, the Tobago House of Assembly has been the beneficiary of funds for gender mainstreaming through the Canadian High Commission. The general objective of this consultancy is to catalyse the process of gender equality and equity in Tobago through the design and delivery of a series of gender training workshops to put in place a situationally relevant Gender Management System (G.M.S.). The training will target mainly public officials, the not-for-profit voluntary sector and community based organisations and groups. Specific objectives of this consultancy include the following:

(i) sensitise target groups on gender issues as these affect women and men in national development;

(ii) introduce participants to the Commonwealth Plan of Action (1995) and show how the policy perspective contained therein underpins the G.M.S. Model as developed by the Commonwealth Secretariat that services member States of the Commonwealth; and

(iii) use the G.M.S. approach along with related methods and techniques of gender analysis to have participants acquire the skills of gender mainstreaming as reflected in their ability to design, implement, monitor and evaluate public policies, programmes and projects, and to develop a G.M.S. that is best suited to the environment of Tobago.

100. In 1996, Cabinet approved the establishment of the National Council for Women (N.C.W.). This body, which comprises women advocates from the grassroots, private sector and non-Governmental organisations advises the Gender Affairs Division on critical issues that need to be incorporated into policy to further enhance women's development. However, this body not functioned at an optimum level primarily because gender is not a focus of many of the organisations which the members represent.

101. While the Gender Affairs Division has been active in respect of gender mainstreaming (re-socialisation) and the prevention of domestic violence, there remains a sufficient lack of information dissemination and resources for programmes in these and

other relevant areas. This hinders the potential of the effectiveness and impact of the same.

Article 4

102. There are no policy statements, guidelines or other measures that make provision for affirmative action in respect of women in Trinidad and Tobago. Preferential treatment or quota systems do not exist to benefit women, except in respect of maternity leave.

103. The Maternity Protection Act, No. 4 of 1998 was implemented to prevent discrimination against women on the grounds of pregnancy, by providing for a minimum level of maternity leave benefits and protection. According to S.5, this Act does not apply where any written law, industrial award or collective agreement prescribes conditions more favourable than those specified in this Act. This is the only restriction contained in the Act, otherwise its application extends to all female employees, except female Parliament members. Section 7 provides that an employee is entitled to a leave of absence for the purpose of maternity leave and for full pay while on maternity leave. Section 9(1) of this Act provides that a pregnant employee is entitled to thirteen weeks of maternity leave. She may leave six weeks prior to the probable date of confinement, or at a subsequent date at the employer's discretion, and must return to work no later than thirteen weeks from the date she proceeded on leave. Section 10 provides that an employee can extend her absence beyond the thirteen weeks for medical reasons for a period not exceeding twelve weeks after the required date of return, but must submit a medical certificate and a notice informing her employer of her intended date of return. The first six weeks of this extended period will be paid half pay, while the next six weeks will not be paid. Further, an employee may postpone her return to work for non-medical reasons for no longer than four weeks upon the completion of her initial thirteen weeks, provided she supplies her employer with a notice containing the reason for her inability to return to work, and an intended date of return.

104. Maternity protection is also offered through other legislation including the National Minimum Wages Order, 1998; S.48 of the Education (Teaching Service) Regulations, and the Education (Assisted Secondary School Teachers Maternity Leave) Regulations. With regard to the Minimum Wages Act, Chap. 88:04, maternity leave provisions are to be included as a basic condition of the implementation of a minimum wage order. To date, five minimum wage orders as well as the National Minimum Wage Order have been implemented and each included maternity leave provisions, except for the Minimum Wages (Household Assistants) Order, 1979, which was replaced with the Minimum Wages (Household Assistants) Order, 1991. The 1991 Order introduced provisions for maternity benefits for this category of worker.

105. With respect to employment it must be noted that although there is no policy on affirmative action, the policy of the Government, through the action of the Ministry of Labour and Co-operatives ensures that all employees have the right to equal remuneration, including benefits and equal treatment in respect of work of equal value, as

well as equality of treatment in the evaluation of work, and the right to protection of health and safety in respect of working conditions, including the safeguarding of the functions of reproduction. In this regard, the Government ratified the International Labour Convention on the Equal Remuneration for Men and Women Workers for Work of Equal Value No. 100, in April 1997. The Government has also introduced the Occupational Safety and Health (No. 2) Bill, 1999 to revise and extend the present laws relating to the safety, health and welfare of persons at work, so as to provide protection in this regard to all workers and not just those employed in factories.

106. The Shop (Hours of Opening and Employment), Act No. 6 of 1938 stipulates that in the "rooms of a shop where female shop assistants are employed the occupier of the shop shall provide seats behind the counter, or in such position as may be suitable for the purpose, and such seats shall be in proportion of not less than one seat to every three female shop assistants in each room, with a minimum of one seat in each room".

Article 5

107. The principle of gender equality as recognised in the Convention is enshrined in the Constitution of Trinidad and Tobago. In practice however, there continue to exist entrenched attitudes and behaviours which perpetuate gender-based violence. Patriarchal ideologies and notions of male dominance still persist and are proving difficult to change. While legislation has been enacted and measures are being taken to address this situation, challenges exist in shifting the sociological context of gender equality. The concept of the man as provider and breadwinner, and by extension head of the household, is one such example. While this notion continues to perpetuate, the reality is that women are the larger income earners in a significant number of female-headed households and households of a nuclear family type. In some such cases these shifts have been seen to erode the power perceived by the male of the household, who in an attempt to re-empower himself, resorts to behaviour which is may be violent and abusive. In many instances, there is a cognitive understanding of gender issues, but no real commitment to behavioural change. This phenomenon is encountered at all levels of society and accounts for the greatest challenge and constraint in respect of mainstreaming the gender perspective in national development.

108. While there have been no reports of the existence or occurrence of dowry systems, repudiation of the wife, bride purchase or female circumcision in the country, violence against women has remained an area of concern. The statistics for the period August 1991 to April 1994, that is, the first four years since the inception of the 1991 Domestic Violence Act, reveal that 8,297 applications for protection orders were made. Of these 3,258 were granted. These statistics were cited in a 1994 study conducted on behalf of the Coalition Against Domestic Violence.

109. The view that violence in general, and gender violence in particular, is endemic in Trinidad and Tobago, was reflected in the data obtained from a study conducted by the Caribbean Association for Feminist Research and Action (C.A.F.R.A.) in 1998. The results of this study indicate that out of the total number of 200 women randomly

interviewed in Trinidad, 84% were of the view that violence against women was very prevalent in the country.

110. The passage of legislation such as the Sexual Offences Act of 1986 (which was amended by the Sexual Offences (Amendment) Act, No. 31 of 2000) and the Domestic Violence Act of 1991 (which was repealed and replaced with a new Domestic Violence Act, No. 27 of 1999) has made it possible for the Central Statistical Office to collect and collate crime statistics specifically in the area of gender violence. However, the office's functions are of limited effect because the indicators used are based upon criminal definitions and understandings of the problem and upon data that is not commonly disaggregated according to sex. In addition, the crime statistics do not, for example, include the number of women killed by men (or vice versa), despite the fact that spousal murder is a frequent occurrence in the society, as indicated by the statistical data provided by the Ministry of National Security:

Number of Murders Committed by Way of Domestic Violence, 1990-1995

Year	Total committed
1990	7
1991	7
1992	18
1993	15
1994	9
1995	18
TOTAL	74

Murders in Trinidad and Tobago Resulting from Domestic Violence 1996-1998

Year	Number of Murders	% Female	% of Females who were Spouses	% of perpetrators who were Male
1996	16	75	50	87.5
1997	12	83.3	50	83.3
1998	23	60.8	39.1	82.6

111. Domestic violence was designated a criminal offence by the Domestic Violence Act, 1991 and has been reaffirmed by the Domestic Violence Act, No. 27 of 1999. Reports on the incidence of domestic violence emanate from various sources due to the fact that there is no centralised registry. Data is currently provided through reports on the incidence of domestic violence being made to the various police stations as well as the actual number of perpetrators that have been charged with the offence, as provided by the Magistrates' Courts. Data on domestic violence obtained from the Police Service details the range of criminal offences that exist as a result of domestic violence:

Offences Committed as a result of Domestic Violence - Tobago 1993-1996

	Year			
Offences	1993	1994	1995	1996
Assault and battery	0	13	7	3
Incest	1	1	0	0
Rape and other sexual offences	14	2	n.g	n.g.
Wounding	0	0	1	1

'n.g'.-data not given

112. In 1994, a total of 228 cases of domestic violence were reported to the police across the country. Of this total, 8 were filed in Tobago.

113. The Ministry of Culture and Gender Affairs has been involved in the creation of a Central Registry for data collection on domestic violence. Once established and fully staffed with trained officers, this Registry will be a valuable source of up-to-date and accurate data concerning domestic violence.

114. It must be noted that while the Domestic Violence Hotline, which is operated by the Ministry of Culture and Gender Affairs, is a useful means for collecting data on domestic violence, no extensive qualitative research has been conducted in the country in this regard. In 1998, the Domestic Violence Hotline (800-SAVE) received a total of 2,611 calls. Of these, 84% were made by women, and 16% were made by men. According to the report of the Domestic Violence Unit, for each month of the year, the number of female callers outnumbered that of male, and the modal age group of callers was 26-35 years. The majority (70%) of female callers were in unions, legal or common law, while 17% described themselves as single, 3% as divorced and 10% separated.

115. Approximately 86% of all reported cases of domestic violence are perpetuated by men against women. However, domestic violence related deaths have decreased from 80 women and 32 children over the period 1990 through 1995, to 40 women and 15 children over the period 1996 through 1999. An increase in reported domestic violence may suggest that there is greater awareness and willingness to report violence, although no studies have been undertaken to confirm this.

116. There has been an increase in social programmes available to victims and perpetrators of domestic violence over the past five years. Increased emphasis has been placed on gender sensitising training aimed at the re-socialisation process. Outreach programmes to assist the police service, communities and shelters and halfway houses to deal with the issues of gender-based violence are executed by both Government and non-Governmental agencies.

117. A Male Support Committee, which was established by the Gender Affairs Division, Ministry of Culture and Gender Affairs solicited male support in addressing issues of domestic violence, in re-socialising men and boys, as well as in offering support to vulnerable men in society. The Committee evolved into a Male Support Programme headed by a male co-ordinator who operates out of the Gender Affairs Division. In

January 2000, the Male Support Programme conducted gender-based training with members of the Trinidad and Tobago Defence Force, as well as first form students in selected schools. The Male Support Programme also conducts Male Issues Forums in communities on a monthly basis where gender issues are raised and discussed. Further, male counselors have been placed in two domestic violence drop-in and information centres to assist men. The Male Support Programme has also formed a partnership with the religious leaders of Trinidad and Tobago with the aim of reducing the level of male-generated gender-based violence.

118. There is also a Gender Affairs Unit, which operates under the Tobago House of Assembly. Through this Unit, a Domestic Violence Programme was implemented in 1999 to address the issue of domestic violence in Tobago. Since its inception, various initiatives have been executed, including *inter alia*:

- the production of information flyers and brochures;
- the implementation of workshops and lectures to *inter alia* churches, youth groups, etc.;
- the provision of counseling services to victims and perpetrators of *inter alia* suicidal attempts, attempted murder, rape, incest, abandonment, homelessness, and physical, emotional, sexual, mental and substance abuse;
- the implementation of the 24 hour Tobago Crisis Hotline; and
- the establishment of the Tobago Information Centre which operates as a resource center to the public at the Gender Affairs Unit and which collects local and international statistics on domestic violence and related issues.

119. According to data collected through by the Domestic Violence Programme in Tobago, there were 70 reported cases of domestic violence (between October 1999 and August 2000). During that same period the Tobago Crisis Hotline received 56 calls, which related to 18 abused families, 71 abused children and 3 cases of incest. Specifically, these calls involved 11 physically abused females, 4 rapes of females (1 of a male), and 76 female victims, including children.

120. In keeping with the aim to resocialise gender-biased attitudes and behaviour, and to address the issue of domestic violence, the Gender Affairs Division of the Ministry of Culture and Gender Affairs has been instrumental in the implementation of a variety of initiatives and programmes. One such initiative is the production of a gender training manual as part of the deliverables of the Institutional Strengthening Programme. The content of the manual is used in a variety of training sessions conducted by the Division's project staff for specific audiences which, to date, have included *inter alia*:

- the staff of the Defence Force of the Ministry of National Security, including women, who were enlisted in the Coast Guard for the first time in the Coast Guard history;
- the staff of the Ministry of Health;
- Permanent Secretaries;
- members of the Judiciary;

- members of the Cabinet;
- members of the Private Business Sector; and
- members of the National Council for Women.

121. The Gender Affairs Division has also produced four videos to facilitate discussion within society on the issue of abuse of and disrespect for women. Specific emphasis was placed on particular ways gender behaviour is influenced by family, peer attitudes, advertising, and drug and alcohol abuse. The video production was shown on national television at various times to commemorate International Day Against Violence Against Women:

(i) **Video 1 – "Smart Young Men"**
This video specifically targets the attitudes of young men, and is complete with high-speed camerawork, flashback scenes and a soundtrack that is easily identifiable by the youth of the country, and the Caribbean population in general.

(ii) **Video 2 – "A Brief Economic History of Trinidad and Tobago"**
This video documents important historical moments as a way of setting the stage for discussion about the present and the future. It informs that women have been denied an effective voice in their own economic history and that many well-intentioned policies have kept many women in the same economic position as in the past. The aim is to ignite discussion and provide that discussions of conflicting responses constitute the first step towards bridging the communication gap between those who have power and those who feel they have none, or have been disempowered.

(iii) **Video 3 – "Power"**
The aim of this video is to encourage thoughtful discussion among young persons in respect of power and gender dynamics, and to promote self-respect, respect for others and responsible communication about intimacy issues. This video is a useful tool in broaching the topics of date/acquaintance rape and teenage pregnancy in the ensuing of discussions.

(iv) **Video 4 – "Metamorphosis" by Paula Obe**
This video is one woman's offer of thanksgiving to the women who have been instrumental in making positive changes for all women. This video is intended to cause discussion and encourage celebration of past accomplishments. Further, it is an effective discussion tool on a variety of topics including: intergenerational relationships between women, the connections between women of different backgrounds, the under-represented role of women in national history and aspirations for the future and the future of children.

122. Most recently, the Domestic Violence Unit of the Ministry of Culture and Gender Affairs compiled an information booklet and two journals in respect of domestic violence and sexual abuse: (1) "Domestic Violence…what you need to know;" (2) " 'Healing' A

Sexual Abuse Survivor's Journal" and (3) "A Right to be Free: A Journal for Survivors of Spousal Abuse." The Booklet is intended to educate the public on the following:

- What is domestic violence?
- What form does abuse take?
- What are the effects of domestic violence?
- How widespread is domestic violence?
- What are the characteristics of an abuser?
- Why do victims stay?
- What effect does domestic violence have on children?
- How do you help an abused person?
- Where can you get help?

The Journals are designed for victims to use when recovering from violence, and provide a safe place for personal self-expression in respect of their experience. The booklet and journals will be sent to *inter alia* all drop-in centres and will be distributed at public events.

123. Pursuant to its mandate, the Gender Affairs Division recognised the need to target youth as an effective strategy of re-shaping the country's societal norms and practices that may serve to perpetuate gender inequity. In light of this recognition, the Division launched a National Youth Outreach Caravan to:

- promote awareness and sensitivity to gender issues among students, thereby promoting re-socialisation and improvement in their gender relations;
- assist young persons in the formation of their gender roles and identity in ways that empower their individual lives and promote gender equality in the wider society; and
- solicit information on gender issues that affect young persons so as to influence policy plans and programmes designed for and which affect young persons.

Seven primary schools throughout the country were targeted. The sessions addressed the topics of gender relations, domestic violence and conflict resolution. These interventions were highly participatory, thereby allowing the views of students to be freely expressed. Approximately 400 students benefited from this intervention.

124. The Domestic Violence Unit of the Ministry of Culture and Gender Affairs commissions on an ongoing basis, the Creative Arts Centre of the University of West Indies to facilitate the performance of plays that address issues of domestic violence. These plays are performed at several community centers throughout Trinidad and Tobago.

125. Over the period 1996 through 1998, 102 police officers, along with the staff of safe houses/shelters and crises centers, volunteers, members of non-Governmental agencies, the staff of the Community Development Division of the Ministry of Social and Community Development and leaders of various communities throughout the country

participated in various gender training programmes that were conducted by the Gender Affairs Division of the Ministry of Culture and Gender Affairs.

126. Working Women for Social Progress is a non-Governmental organisation that offers workshops to communities at their request with respect to violence against women, and the general issue of the culture of violence. The workshops cover five main themes: violence against women, violence against the aged, institutional violence (this includes sexual harassment), violence and neglect against children and teenage pregnancy.

127. In addition to conducting domestic violence workshops, Working Women for Social Progress has set up a Drop-in Centre. This Centre was launched in March 1999 and serves as a reliable, safe and secure haven for persons, especially women who have been affected by domestic violence, and provides crisis counselling and referral.

128. The Trinidad and Tobago Coalition Against Domestic Violence is another non-Governmental organisation which actively promotes the advancement and rehabilitation of battered women, with an emphasis on prevention. To this end, this organisation has been involved in policy planning, public education and fundraising, and has provided battered women with legal assistance. The most recent of its projects are summarised as follows:

- 1999/2000: Anger Management and Conflict Resolution workshops were held for approximately 350 members of the Trinidad and Tobago Police Force, including Community Police, 999 Emergency, Response Officers, Station Officers and City Police.

- Ongoing counselling for police officers dealing with their own personal, professional and domestic difficulties and stresses has been made available through the organisation.

- A proposal for funding has been put to the Joseph Fernandes Foundation to invite an expert into Trinidad and Tobago to conduct training sessions for trainers of the police and for female officers in the gathering of evidence in child sexual abuse cases.

129. A study of young persons in Tobago, which was conducted in 2000 by the Family Planning Association of Trinidad and Tobago revealed that 8% of respondents felt that there is nothing wrong with a boy hitting his girlfriend. This is indicative of the sanctioning of behaviour that could lead to domestic violence. Notably, those agreeing with this statement were more likely to be male and had a larger number of sex partners than those who disagreed.

130. The Rape Crisis Society of Trinidad and Tobago is a non-Governmental organisation which was founded in 1984. The Society is mandated to address issues of sexual and domestic violence through counselling and public education. Over the years, the Society has conducted work in the following areas:

- **Counselling**
  - professional individual and group counselling
  - hotline counselling
  - referral services

- **Education**
  - public education programmes
  - Community Caravan Project
  - production of educational material
  - library facility

- **Skills Training**
  - Agro-Processing Project
  - Sew Shop Project

- **Empowerment of Communities**
  - Lay Counsellors' Training Programme

- **Training of Volunteers**
  - introduction of counselling
  - advanced counselling
  - human sexuality
  - gender sensitisation

131. Currently, the Rape Crisis Society offers free professional counselling to persons with the following 'social problems': (1) rape/buggery; (2) child sexual abuse/incest; (3) domestic violence/spousal abuse; (4) family problems; and (5) personal conflicts. Over the period 1985 through 1998, 2,317 new persons were counselled.

Categories of Rape Reported by Clients to the Rape Crisis Centres, 1994/1997

Year	1994	1997
Acquaintance rape	68.0%	45.5%
Stranger rape	24.4%	41.1%
Gang rape	7.6%	13.3%

Sexual and Domestic Violence Cases Counselled by the Rape Crisis Society, (1991-1999)

YEAR	RAPE	INCEST	DOMESTIC VIOLENCE	SEXUAL HARASSMENT	TOTAL CASES
1991	68	22	16	-	106
1992	82	42	26	-	150
1993	95	40	31	-	166
1994	90	40	60	2	192
1995	82	61	33	-	176
1996	61	45	30	-	136
1997	90	54	35	-	179
1998	75	74	36	-	185
1999	67	33	27	-	127

132. In her statement to the Senate in 1998, which addressed the prevalence of sexual violence directed at women in society, the current Minister of Culture and Gender Affairs indicated research has shown that of all cases of forced sexual behaviour, 80% were carried out by persons known to the victim, and that most of these persons have familial relations with the victim. The remaining 20% of forced sexual behaviour is committed through the use of physical violence by a perpetrator(s) unknown to the victim, and in circumstances which are violent an often life threatening. In this regard, statistics provided by the Ministry of National Security show that in 1994 there were a total of 254 reported sexual offence cases, in 1995 there were 309 cases and in 1996, a total of 295 such cases.

Number of Rapes/Sexual Offences Reported in Trinidad and Tobago by Administrative District and Region, 1996

Region	Number of rapes/sexual offences	Percentage (%)
St. George- Port of Spain Western Division North Eastern Division Northern Division	 37 22 12 65	 12.5 7.5 4.1 22.0
St. Andrew/St David - Eastern Division (Sangre Grande, Matura, Biche, Manzanilla, Toco, Mayaro)	25	8.5
Caroni – Central Division (Chaguanas/Couva)	43	14.5
Victoria – Southern Division	43	14.5
St. Patrick - South Western Division	28	9.5
Tobago – Tobago Division	20	6.8

133. In 1997, of 502 reported cases of rape, approximately 80% were committed by relatives, friends or trusted acquaintances known to the victim. A breakdown of these cases revealed that 36% of the rapes were committed against victims who were under the age of 14 years, 20% were committed against victims who were between the ages of 14 and 16 years, and 44% were committed against victims who were over the age of 16 years.

134. In respect of incest, there were 25 such cases in 1996, and a total of 41 cases in 1997. According to a study conducted in1999/2000 on young persons in Tobago by the Family Planning Association of Trinidad and Tobago, about 1 in 15 (7%) of those consulted indicated that they had sex for the first time, with a relative. A further 3% did not know whether or not their first partner was a relative. Of these cases, more than 1 in 8 (12.8%) of the respondents did not consent to sex the first time, with a further 4% unsure whether they had consented. Five per cent of those who responded felt that there is nothing wrong with having sex with a member of one's family.

135. Section 9 of the Sexual Offences Act, No. 27 of 1986 establishes the criminal offence of incest:

> *(1) A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.*
>
> *(2) A person who commits the offence of incest is liable on conviction to imprisonment-*
>
> *(a) if committed by an adult with a person under fourteen years of age, for life;*
> *(b) if committed by an adult with a person fourteen years of age or more, for life;*
> *(c) if committed between minors fourteen years of age or more, for two years.*

136. In addition, subsection 4 states that the offence of incest has been committed if the victim is the perpetrator's half brother or half sister.

137. With respect to this legislative provision, section 8 of the Sexual Offences (Amendment) Act, No. 31 of 2000 now states that, in the event that the offence of incest has been committed by an adult with a person under the age of 14 years, the adult will be liable on conviction to imprisonment for life.

138. In respect of crisis intervention, there are a limited number of shelters and other similar places for women facing violence within the family. In Trinidad and Tobago there are 15 safe houses/shelters and 15 counselling centres. The Ministry of Culture and Gender Affairs does not run such a shelter although it makes referrals to existing safe houses and shelters, and offers referrals for counselling services.

139. Of the 15 aforementioned shelters, only 1 is located in Tobago. T.O.W.E.R.S. (Tobago Women Enterprise for Employment and Rehabilitation Towards Self-Sufficiency) has three rooms which are shared among the women who stay there. Food is provided and there are also two trained social workers who provide counselling. Women and their children (except for boys who are over the age of 10 years, women must makes special arrangement in this regard or send them to stay with relatives or friends) can be housed there for up to three months. This period can be extended if the woman's situation does not change or if she is unsuccessful in finding other appropriate accommodation. Currently, the shelter is inadequately funded. It receives TT $2500 per month from the Tobago House of Assembly, but this amount only covers the cost of cleaning the shelter, the rent and the salary of one staff member who resides there. The remainder of the

money required to cover food, utility bills and repair work (necessary for the upkeep of the home) is acquired through funding activities, which in recent times have proven to be inadequate.

140. The average monthly cost of operating a shelter in Trinidad and Tobago varies from TT $18,000 to TT $21,000. Often this is acquired through fundraising activities, and/or contributions from companies and 'well-wishers'. The Government does provide financial assistance in the form of subventions, as well as training for managers and other service providers at shelters. The average length of stay for women in these shelters varies from one month to three months, with extensions available of up to five months if deemed necessary. Provision is made for the accommodation of children, however whilst girl children are admitted regardless of age, boy children are only allowed to stay if they are under the age of 7 years at some shelters, and under the age of 10 years at others.

141. In May 1998, the Domestic Violence Unit established 23 Drop-In/Information Centres at various community centers/complexes throughout the country. A multi-disciplinary team comprising of one social worker, police officers, secretaries, wardens of the centres and a Ministry official is responsible for the operation of each centre. These centres offer members of the public the opportunity to access assistance for matters relating to domestic violence, rape, sexual assault, and family disputes within the communities. To date, approximately 3000 men, women, children and entire families have visited these centres.

142. The major obstacles facing women who wish to leave violent home situations include:

- insufficient shelter space;
- lack of financial resources;
- lack of emotional support by family and friends;
- fear of being killed;
- feelings of guilt regarding the removal of children from schools and taking them away from their friends;
- lack of transitional housing facilities for women who leave shelters (these women usually return to the home of the abuser as there is little alternative in terms of accommodation);
- breach of confidence which occurs at times by some support agencies; and
- fear of breaking family units due to the restrictions placed on male children.

143. Some of the other regional, Governmental, non-Governmental and private agencies that work to reduce and prevent violence against women in Trinidad and Tobago include:

Trinidad:

- Caribbean Association for Feminist Research and Action (C.A.F.R.A.), Tunapuna
- Child Guidance Clinic, Mt. Hope

- Community Police Unit (Trinidad)
- Domestic Violence Centre, Port of Spain
- Domestic Violence Unit, Ministry of Culture and Gender Affairs
- Eternal Light Community, Tunapuna
- Families in Action, Port of Spain
- Hope Centre Limited, San Fernando
- Hope Shelter for Battered Women, Chaguanas
- Legal Aid Clinic, Hugh Wooding Law School, St. Augustine
- Men against Violence against Women (MAVAW), Port of Spain
- MIZPEH Half Way House Incorporated, Sangre Grande
- National Family Services, Port of Spain
- Our Lady of the Wayside Shelter, Port of Spain
- Probation Department, Port of Spain
- Rape Crisis Society, Port of Spain
- Samaan Shelter, Port of Spain
- Soroptimist International of San Fernando
- St. Jude's for Girls, Port of Spain
- The Rap Port, Port of Spain
- Trinidad and Tobago Coalition against Domestic Violence, Port of Spain
- Women Working for Social Progress, Tunapuna
- YMCA, Port of Spain
- Zoe Foundation, Arima

Tobago:

- Community Development Division, Tobago
- Community Police Unit (Tobago)
- Department of Social Services, Public Health Complex, Signal Hill, Tobago
- Legal Aid and Advisory Authority (Tobago)
- Tobago A.I.D.S. Society, Fairfield Complex, Scarborough
- Simera's Oasis
- T.O.W.E.R.S. Mt. Grace, Tobago; and
- Women against Violence, Abuse and Violent Encounters (W.A.V.E.), Scarborough.

144. In respect of public education, the Rape Crisis Society has been active in the dissemination of information to the population through various outreach programmes. Unfortunately, the Society does not have a presence in Tobago. Therefore, the following only relates to Trinidad:

Organisations Visited by Issues Addressed, 1998

ORGANISATION	TOTAL VISITS	CHILD SEXUAL ABUSE	DOMESTIC VIOLENCE	RAPE	SEXUAL ABUSE	SEXUALITY	SOCIETY'S SERVICES	OTHER
Primary Schools	2	✔		✔				✔
Parent Teacher Associations	3	✔		✔				
Secondary Schools	6	✔	✔	✔		✔		✔
Junior Secondary Schools	2							✔
Youth Training Centres	20	✔	✔	✔		✔	✔	✔
Religious Organisations	11	✔	✔	✔				✔
Youth Groups	1			✔				
Civilian Constable Corps.	20	✔		✔				
Child Welfare League	1			✔				
University of West Indies, School of Continuing Studies	2	✔		✔	✔			✔
Professional Organisations	17	✔	✔	✔	✔		✔	✔

145. The Rape Crisis Society has also initiated a small business training facility and an agro-processing project where it provides training in 5 cycles, each with 15 participants annually. Graduates can use the facilities of the Society until they can provide for themselves. Participants for training come mainly through referrals from *inter alia* National Family Services, Public Welfare, church organisations, and the Women's Federation of Institutes.

146. The Gender Affairs Division of the Ministry of Culture and Gender Affairs has also engaged in an extensive public campaign to raise awareness about violence against women. These programmes have targeted different groups of persons. Two such programmes have included:

(i) **Youth Data Quest**

This project encouraged the use of the arts to explore various domestic violence issues. The project was also implemented in schools where students were encouraged to engage in research on various forms of domestic abuse. The result was a television presentation aimed at the young persons of the nation and a manuscript intended for the use in the production of a reader.

(ii) **Other initiatives/programmes**

Street parades, workshops, popular theatre, seminars, lectures, the use of posters, brochures, information booklets, newspaper supplements, and radio and television programmes have all been used to sensitise the population on the issue of domestic violence. These have targeted both men and women of different ages. A concerted effort was made to change attitudinal and behavioural stereotypes of

men, while exploring gender-related issues in all activities, which involved the presence of an active audience.

147. Public awareness programmes have also been implemented to educate women about their rights. These however, are quite general and do not necessarily address the issue of domestic violence.

148. The media's contribution to public awareness programmes tends to be sporadic and is usually evident in relation to the commemoration of specific events, such as International Day Against Violence Against Women, or in the event a violent act occurs within the society which is subsequently reported by the media.

149. In respect of the education system, the primary school curriculum has addressed the issue of conflict resolution in a non-violent manner under the heading 'Underlying Philosophy of the Proposed Primary Education Curriculum,' which seeks to encourage responsible self-generated action, attitudes and values aimed at discouraging crime and violence.

150. Finally, a number of non-Governmental organisations such as Working Women for Social Progress, Caribbean Research for Feminist Research Action (C.A.F.R.A.), and the Trinidad and Tobago Coalition Against Domestic Violence have all conducted a number of domestic violence workshops, which target community groups and the wider community throughout the country.

151. Further information on violence against women in Trinidad and Tobago is provided in paragraphs 94-96 and 101, under Article 3 of this periodic report.

152. Despite the initiatives taken to address the issue of domestic violence in Trinidad and Tobago, its incidence nevertheless continues to be high. Structural and institutional obstacles do exist however, and act as barriers to the mainstreaming of a gender perspective in policies and programmes. These obstacles relate to the allocation of financial and human resources to the institutional mechanisms in place for the advancement of women in Trinidad and Tobago. While there has been an increase in the allocation of staff, equipment and finances for gender development work, considerably more is required to make the necessary sustainable impact on the development process. Although the country has been experiencing economic growth for the period under review, shrewd fiscal policies are being utilised to manage resources and to ensure that positive growth continues. In this regard, social sector spending is growing but only moderately.

Total Expenditure for Selected Ministries, 1995-1998

Ministries	TOTAL			
	1995 ($)	1996 ($)	1997 ($)	1998* ($)
Education	1,127,957,927	1,123,639,097	1,192,775,316	1,685,567,800
Foreign Affairs	110,058,178	106,612,610	111,020,488	119,594,700
Health	673,847,649	641,712,067	663,218,305	806,466,000
Social Develop.**	436,792,918	426,403,252	-	-
Sport and Youth Affairs	31,209,000	46,853,245	41,529,807	-
Social/Comm. Dev.**	-	-	479,655,471	600,434,835
Community Dev.	85,939,850	70,436,551	-	-
Culture/Women**	-	-	-	-
Culture/Gender**	-	-	61,802,186	79,010,700

*Estimates

**Note: 1995 and 1996 Head 41 included Ministry of Community Development, Culture and Women's Affairs
1997 and 1998 Head 41 included Ministry of Culture and Gender Affairs
1995 and 1998 Head 45 was Ministry of Social Development
1997 and 1998 Head 45 was Ministry of Social and Community Development

153. The budget (recurrent expenditure) of the Gender Affairs Division of the Ministry of Culture and Gender Affairs (which is enhanced by grants and financial support from local and international agencies for special projects for women and development) was TT $1,234,500 or 0.0089% of the nation's annual budget, which stood at TT $13,721,290,576 for the 1998/1999 financial year. This represents an increase from the 1996 budget, which was TT $1,043,900. The budget of the Gender Affairs Division for the financial year 1999/2000 included a substantial increase with specific monies allocated to Cabinet agreed projects executed by the Division. For that year, the budget for the Division was TT $4, 276, 000, representing an increase of TT $ 3, 269,300, over the previous year.

154. In addition to the Government's budgetary allocation to the Division, the Government also provides special funding to non-Governmental agencies working toward the economic advancement of women through subventions. These organisatons also receive financial support from local corporate bodies and international organisations. The Government also provides disbursements to financial institutions for special projects that target female low-income earners and female micro-entrepreneurs.

155. The Gender Affairs Division has been in receipt of institutional strengthening in planning and management, monitoring and evaluation, publications design, gender training and sensitisation, management and information systems. This initiative evolved from a technical agreement between the Inter-American Development Bank and the Trinidad and Tobago Government. Training for the staff and for members of the Inter-Ministerial Committee under this initiative is ongoing.

156. At present, there is no sexual harassment legislation in Trinidad and Tobago. However, the Ministry of Culture and Gender Affairs has begun the process of putting together tenets to be included in a Sexual Harassment Bill, and the Gender Affairs

Division, together with various non-governmental organisations and trade unions have been conducting seminars and workshops to highlight the issue of sexual harassment and sensitise the population to the same.

157. The Ministry of Labour and Co-operatives has recently drafted The Basic Conditions of Work Bill, 2000. This is soon to be laid before Parliament. When enacted, sexual harassment by employers, persons in authority and co-workers, will be prohibited. Section 44(1) of the Bill makes the following provision:

> *An employer or fellow employee shall not sexually harass an employee during the course of employment or at any workplace.*

158. A number of corporate citizens have addressed the issue and deemed any form of sexual harassment as grounds for dismissal. The Courts of Trinidad and Tobago have also entertained sexual harassment despite the lack of provision in legislation. The case of *Bank Employees' Union v. Republic Bank Limited* T.D. 17 of 1995 was a case brought under the Industrial Relations Act, Chap. 88:01 against the employer for harsh and oppressive dismissal. The issue of sexual harassment was fully aired in this case because the dismissal was a result of conduct which constituted sexual harassment, as found by the employer. In light of the lack of legislation in this regard, various cases from the Canadian jurisdiction were used as legal authorities. The matter concerned a male employee who had allegedly made physical sexual advances towards a female colleague. He had been employed with the company for 25 years without any previous allegations of sexual harassment made against him. The Court was of the opinion that based on these facts, it had to decide upon two issues:

(i) whether the perpetrator's conduct was sexually offensive to the extent that it could be classified as sexual harassment, and

(ii) whether, if found that his conduct did amount to sexual harassment, the penalty fit the offence.

In its judgment of 25 March 1996, the Court held that in respect of the first issue, the perpetrator's conduct was sexually offensive and did constitute sexual harassment. In respect of the second issue, the Court held that the perpetrator "was not dismissed in circumstances that were harsh and oppressive or not in accordance with the principles of good industrial relations practice." The application of the Union to reinstate the employment of the perpetrator was therefore dismissed. This case formed a legal precedent in this jurisdiction on the issue of sexual harassment, and in the judgment the Court acknowledged the following:

> *In some jurisdictions, Canada for example, there is legislation outlawing sexual discrimination. Courts and tribunals in such jurisdictions (again taking Canada as an example) have interpreted their legislation in such a manner as to bring sexual harassment within the meaning of sexual discrimination. In Trinidad and Tobago, unfortunately, we have no corresponding legislation. It is therefore left largely to employers to establish a reasonable framework for addressing problems associated with sexual harassment at the workplace. The unions, too, have an obligation to their members to work towards elimination of these*

problems. It is to be hoped that until Parliament enacts legislation, the parties would find it possible to co-operate in the formulation of an appropriate policy on the subject.

159. Since domestic legislation does not expressly prohibit sexual harassment, statistics are not collated on its incidence. However, the Rape Crisis Society has reported that it counselled 2 such cases in 1994. No other cases have been brought to their attention since.

160. The responsibility for child-rearing is vested in both parents equally. This is provided in S. 4(1) of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08:

4. (1) In relation to the custody or upbringing of a minor, and in relation to the administration of any property belonging to or held in trust for a minor or the application of income of any such property, a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and be exercisable by either without the other.

161. Information to confirm or disprove the notion that a stereotypical division of responsibility for child-rearing exists between parents of families living in a rural environment is scarce. However, in 1995/1996 an exploratory study was conducted by university students (through the "Gender Issues in Agriculture" course offered by the Faculty of Agriculture of the University of the West Indies, St. Augustine) to *inter alia* provide a cross-sectoral view of the gendered division of labour among selected vegetable and dairy farmers in Trinidad. The findings of this study revealed that household tasks and child-rearing are primarily the responsibility of the female in the household.

162. Under the proposed Basic Conditions of Work Bill, 2000 provision is made for 'Family Responsibility Leave.' The draft seeks to provide paid leave for a specified term for employees upon the birth of a child, in the event of the illness of an employee's child and in the event of death of an employee's family member.

163. In Trinidad and Tobago, the participation of women in the mass media has been largely at the lower strata of employment as reporters, writers, photographers and presenters. At the level of management and decision-making, the area is predominantly manned by men. To date, out of the three major daily newspapers there is only one female Chief Executive Officer and one female Head of News.

164. The Gender Affairs Division of the Ministry of Culture and Gender Affairs has hosted a gender training workshop for members of the media. Facilitation of these workshops was carried out by an experienced Caribbean consultant. In addition, a number of non-governmental organisations mandated for the advancement of women have committed themselves to ensure that the media become more representative of women and that the messages which are transmitted to the public are gender sensitive. One such non-governmental organisation is the Network of NGOs.

165. The media in general, within recent years has visibly embarked on programmes to enrich the general public in respect of gender equity. Most notably, the media activities correlate with the commemoration of International Women's Day in March, and of International Day of Violence Against Women in November. Further, the theme "Family Partnerships" from a gender perspective was thoroughly discussed on radio and television in 1997.

166. To commemorate International Women's Day (8 March 2000), the United Nations Information Centre, in collaboration with the Ministry of Culture and Gender Affairs and various non-Governmental organsations hosted a series of activities. Some of these included newspaper articles, radio and television interviews, regional television transmissions, public service announcements on radio and television, as well as all Carnival shows and messages specially crafted to target different groups, including children, men, the physically challenged and women. The highlight of the commemoration was a street parade consisting of between 1,500 and 2,000 women, men and children.

167. The Information Division of the Office of the Prime Minister has produced and aired several television episodes and radio programmes to explain and highlight the general principles of the Convention. These have focused on *inter alia* women and employment, women and A.I.D.S., domestic violence and women and ageing. Information on issues of health, housing and education for women has also been aired by the Division in collaboration with the mass media. In addition, the Division regularly airs addresses of the Secretary General of the United Nations and other United Nations agencies, including programmes which feature interviews on women's human rights with officials of the Ministry of Culture and Gender Affairs. These measures have been taken to prevent and eliminate stereotypical attitudes which may serve to discriminate against women.

168. In respect of international cooperation in the production, exchange and dissemination of information and material of social and cultural benefit seeking the advancement of women and the enhancement of their human rights, the Information Division has publicised and disseminated information on international agreements to which Trinidad and Tobago is a State Party, through Government-owned television and radio channels, as well as through press releases which are sent to local media houses for release.

169. The State has also put at the disposal of the Information Division, all necessary resources to facilitate initiatives undertaken by the mass media to disseminate information and material aimed at protecting women from information that incites violence, hatred, discrimination or information that may induce women or female children to engage in unlawful or derogatory sexual activity.

170. While there is no legislation in place that regulates the conduct of professionals, including journalists, editors and actors to ensure that the basic values of the Convention

are adopted in the production, exchange and dissemination of information to the general public, it has been the practice that the conduct of these professionals has reflected the basic principles of the Convention.

Article 6

171. While the act of prostitution is not criminalised in Trinidad and Tobago, living on the earnings of prostitution is an indictable offence under the Sexual Offences Act, No. 27 of 1986. This Act relates to sexual crimes, the procuration, abduction and prostitution of persons, and to kindred offences. Sections 23 and 24 of this Act provide the following:

> *23. (1) A person who –*
>
> (a) *knowingly lives wholly or in part on the earnings of prostitution; or*
> (b) *in any place solicits for immoral purposes,*
>
> *is guilty of an offence and is liable on conviction to imprisonment for five years.*
>
> *(2) If it appears to any Magistrate or Justice, by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, the Magistrate or Justice may issue a warrant authorising any constable to enter (if need be by force) and search the premises and to arrest that person.*
>
> *(3) Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that the person is aiding, abetting or compelling the prostitution with any other person or generally that person shall be deemed to be knowingly living on the earning of prostitution unless the person proves the contrary.*
>
> *24. A person who for purposes of gain, exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for five years.*

172. Under S.2 of the Sexual Offences Act, No. 27 of 1986, prostitution is defined as "offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return."

173. While there is no legislation that specifically outlaws the exploitation of prostitutes, there are provisions under the Sexual Offences Act, No. 27 of 1986 (as amended by Act No. 31 of 2000) that prohibit the sexual exploitation of both men and women. There is no distinction in respect of whether the individual is a prostitute or not. The following are the relevant provisions:

4. (1) Subject to subsection (2), a person ("the accused") commits the offence of rape when he has sexual intercourse with another person ("the complainant") -

(a) without the consent of the complainant where he knows that the complainant does not consent to the intercourse or he is reckless as to whether the complainant consents; or
(b) with the consent of the complainant where the consent –
(i) is extorted by the threat or fear of bodily harm to the complainant or to another;
(ii) is obtained by personating someone else;
(iii) is obtained by false or fraudulent representations as to the nature of the intercourse; or
(iv) is obtained by unlawfully detaining the complainant.

(2) A person who commits the offence of rape is liable on conviction to imprisonment for life and any other punishment may be imposed by law, except that if -

(a) the complainant is under the age of twelve years;
(b) the offence is committed by two or more persons acting in concert or with the assistance or in the presence, of a third person;
(c) the offence is committed in particularly heinous circumstances;
(d) the complainant was pregnant at the time of the offence and the accused knew that the complainant was pregnant; or
(e) the accused has previously been convicted of the offence of rape,

he shall be liable to imprisonment for the remainder of his natural life.

(3) The Court or body may order a person who is convicted of an offence under this Act, to pay to the complainant adequate compensation which shall be a charge on the property of the person so convicted.

(5) This Section also applies to a husband in relation to the commission of the offence of rape on his wife.

(6) In subsection (5) "husband" or "wife" includes a cohabitant within the meaning of the Cohabitational Relationships Act, 1998.

17. A person who –

(a) procures a minor under sixteen years of age to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
(b) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago or elsewhere; or
(c) procures another to become an inmate, whether or not the person procured is already an inmate elsewhere, of or to frequent a brothel either in Trinidad and Tobago or elsewhere,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

18. A person who –

(a) by threats or intimidation procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or

(b) by deception procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or

(c) applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

19. (1) A person who detains another against that other's will –

(a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or

(b) in any brothel,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

20. A person who takes away or detains a female person against her will with intent –

(a) to marry her or to have sexual intercourse with her; or

(b) to cause her to marry or to have sexual intercourse with a male person,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

174. Complaints related to sexual exploitation can be made by men and women, including prostitutes under the Sexual Offences Act, No. 21 of 1986. Section 30 of the Act deals with the submission of evidence concerning sexual activity and the sexual reputation of complainants:

30. (1) In proceedings in respect of an offence under this Act no evidence shall be adduced by or on behalf of the accused concerning the sexual activity of the complainant with any person other than the accused unless the Court on an application made by or on behalf of the accused, in the absence of the jury, thinks such evidence necessary for the fair trial of the accused.

(2) Save as provided in subsection (1), no evidence of sexual reputation is admissible for the purpose of challenging or supporting the credibility of the complainant.

175. Statistics are not collected on the incidence of prostitution in Trinidad and Tobago. Consequently, the extent is unknown. Sporadic studies which have been conducted do confirm that prostitution (including commercial prostitution) and the production of pornographic material does occur in the country, but there has been no detection of the trafficking of children or women.

176. Research conducted in 1996 through the Ministry Social and Community Development which focused on, but was not specific to the prostitution and the procurement of minors revealed the following information:

- some children and adolescents in Trinidad and Tobago are involved in prostitution and pornography, but the extent is unknown;
- prostitution is more prevalent among females than among males;
- prostitution is more prevalent among persons of a lower socio-economic strata;
- there is some organisation of female commercial sexual exploitation in a network which involves fashion houses, night clubs and dating and escort services;
- the production of pornographic material is minimal and is possibly connected to this network;
- there is a market of business and tourist visitors for teenage prostitutes;
- the commercial sexual exploitation of children and adolescents in Tobago appears to be mainly associated with the tourist industry;
- erotic dancing and stage performances by females in night clubs was found to be a common practice;
- private shows performed by females, generally for bachelor parties occur in Trinidad and Tobago, which often result in the provision of sexual services, including in some instances, intercourse; and
- while there is no evidence of any connection to the drug trade, drug use is one factor influencing child prostitution.

177. Apart from this research, no other project has been undertaken to provide qualitative information on the incidence of prostitution in Trinidad and Tobago. Accordingly, available information is scarce and does not represent an accurate reflection of the extent of these activities in the country. The Ministry of the Attorney General and Legal Affairs is currently in the process of preparing legislation to prohibit the production, publication and possession of obscene articles, with special provision in respect of child pornography and for matters related thereto. A draft of this legislation has been prepared and is currently being amended before introduction to Parliament.

178. Apart from those measures taken to combat poverty, illiteracy and unemployment among the general population, no measures have been taken which specifically aim towards the prevention of prostitution or specifically target prostitutes. The Change Management Unit of the Ministry of Social and Community Development seeks to ensure expansion of productive employment, enhancement of social integration, poverty eradication and equity building in order to promote sustainable development. The Social Help and Rehabilitative Efforts Secretariat (S.H.A.R.E.) was implemented as an

emergency measure towards alleviating the situation of the new poor. The development and rehabilitative components of S.H.A.R.E. exist to ensure self-sustainable growth and development, through entrepreneurial endeavours or return to paid employment. In addition, the Community Development Division of the Ministry of Social and Community Development offers skills training to women, while the Social Welfare Division of the Ministry provides financial assistance to families in need.

179. Currently there are no preventative or rehabilitative measures in existence to protect women who are engaged in prostitution. Similarly, no efforts have been implemented to re-integrate prostitutes into society.

180. There are no health services in respect of A.I.D.S. which strictly cater to prostitutes. However, all available health services in respect of A.I.D.S. are equally available to all persons, including prostitutes.

181. Exotic dancing in Trinidad and Tobago is prohibited under the Theatres and Dance Halls Regulations, Chap. 21:03:

> *5. The following conditions shall be strictly observed in any theatre or dance hall during the presentation or performance of any stage play or the holding of any dance:*
>
> *(d) no lewd or suggestive dancing shall be performed...*
> *(e) all performers and dancers shall be decently attired.*

182. Currently, there have been no specific measures taken to combat sex tourism or pornography, apart from the enforcement of the relevant legislation by the police and other law enforcement personnel. The recruitment of migrant workers and refugee women from developing countries to work in developed countries and organized marriages from developing countries and foreign nationals have not been identified as an occurrence in the country.

Article 7

183. The Constitution guarantees a fundamental human right "to join political parties and to express political views." This guarantee assures all citizens, irrespective of their race, origin, colour, religion or sex, the right to take part in the conduct of public affairs, directly or through freely chosen representatives. This includes voting and membership of the Legislature (provided that the specified non-discriminatory qualifications are met). The only restriction on voting in the case of Parliamentary elections is that the individual must be a citizen of Trinidad and Tobago, or a Commonwealth citizen who has been a resident of the country for a period of no less than one year. In the case of local Government elections, persons other than Commonwealth citizens are allowed to vote, provided they have resided in Trinidad and Tobago for a continuous period of five years, preceding the date of such elections. Under S.15 of the Representation of the People Act, Chap. 1:02, no person is qualified to be or remain registered as an elector who is mentally

ill, under sentence of death or is serving a sentence of imprisonment exceeding twelve months.

184. There are no overt barriers to the full participation of women in the political process or in respect of decision-making roles. Although statistics on voting are not collated by gender, women are said to participate widely in the political process as voters within the electoral machinery and are highly active in respect of fundraising and campaigning. However, in reality few women hold positions of power and authority in politics, trade unions or other formal influential organisations. Women continue to be considerably under-represented at the decision-making levels in politics and in the various sectors of the country, This however, has been steadily changing, with an observed gradual increase of women's participation in such roles. Currently, of the 36 elected Members of Parliament, 4 are women. This represents a decrease of 1 when compared to the number of female members of Parliament under the previous Government administration. One of these females is a Government Minister, while the others are Opposition members. Of the 31 nominated members of the Senate, 9 are female, one of which is also a Minister. This represents an increase of 2 when compared to the last Government administration.

185. A review of female participation in respect of the last three terms of Government held by three different Governments in Trinidad and Tobago reveals no significant change in the representation of women with respect to the appointment of women to Ministerial posts. Notably, the common areas of responsibility for female Ministers are community development, information, education, women's affairs, sport culture, youth affairs, social services and consumer affairs. In respect of the current Government administration, a female has held the position of Attorney General and more recently a women was appointed Acting Prime Minister during the Prime Minister's absence from the country.

186. With respect to the local Government level, the period covering 1990 through 1998 was marked by an increase in the number of females holding office. The number of female Councillors increased from 24 (of a total of 128 positions) to 41 (of a total of 124 positions). Of these 41 female Councillors, 28 were elected while 13 were nominated. Of the 14 regional corporations, 1 woman presides as Chairman, while 2 occupy the position of Vice-Chairman. Finally, female Deputy Mayors preside in 2 of the 5 Boroughs.

187. In respect of Tobago, the Tobago House of Assembly (T.H.A.) is the Governmental body responsible for the formulation and implementation of policy in respect of matters affecting Tobago, while the Executive Council of the Assembly is responsible for carrying out the functions of the Assembly. The T.H.A. is comprised of 16 members, while the Executive Council is comprised of 7 members. Currently, there are 5 female members in the T.H.A. and 2 female members on the Executive Council.

188. The Network of NGOs has identified three major obstacles in respect of the political participation of women. These include:

- the political process and machinery do not encourage women to put themselves forward;
- domestic responsibilities; and
- institutional and structural mechanisms serve to mitigate against female participation.

189. In light of the reality that structural and cultural barriers do exist which in effect prevent women's full and equal participation in political life, and gender stereotypes and discriminatory attitudes pose serious obstacles to women's political participation, the Ministry of Culture and Gender Affairs piloted and launched the Women's Leadership and Enhancement Institute in 1998. This Institute seeks to promote women's leadership participation at the community, business and political levels through training in gender development, personal development, and in leadership, team-building, communication, deportment and negotiation skills to improve confidence, self-esteem and capabilities required for leadership and decision-making roles. From its instigation in 1998 to the present, more than six programmes have been conducted by the Institute in both urban and rural communities. Verifiable indicators reveal moderate success.

190. The Network of NGOs for the Advancement of Women recently launched a non-partisan political platform to advance women's issues on the political forum. Training was conducted for women candidates of all parties for the Local Government elections in 1999. Political parties were lobbied to increase the number of candidates fielded for the Local Government elections, which resulted in an eventual increase in the number of women elected to office as Councillors and appointed as Aldermen. A Women's Campaign Fund was subsequently launched to support women who wish to run for political office. The Network of NGOs has also launched a campaign targeting 30% female representation in Cabinet Ministries by the year 2003 in the first instance, and 50% by the year 2005.

191. In the public sector, 45.5% of the Permanent Secretaries are women. In 1996, women comprised 41.7% of Legislative Senior Officials and Managers, 39.6% of Professionals, 53% of Technicians and Associate Professors, 47.5% of Service Workers, 12.6% of Agriculture, Forestry and Fishery Workers, 12.7% of Craft and Related Workers, 12.9% of Plant and Machine Operators and Assemblers and 33% of Elementary Occupations.

192. In respect of the military, one female has reached the rank of major, which is the highest rank reached by any woman in the army.

193. At present, in respect of the Judiciary, 33% of Court of Appeal Justices, 14% of High Court Justices, 67% of Masters of the High Court, 47% of Senior Magistrates, and 77% of Magistrates are females.

194. Female under-representation in leadership and decision making levels is also evident in the private sector. For example, in 1997, women occupied 9.1% of the membership of the Board of Directors of one of the major banks in Trinidad and Tobago.

This pattern is evident in respect of other banks and major private enterprises in the country.

195. Women are free to join trade unions, but generally are disproportionately represented at the executive levels of trade unions, even when the majority of the members are female. A survey conducted in 1990 by the Ministry of Labour and Co-operatives revealed that women accounted for 26,770 or 44% of the 61,345 members in 28 trade unions. At that time, women held 15 executive positions within 8 trade unions, thereby accounting for 7.6% of the total executive positions. Currently, a female heads the Public Service Association, which is a trade union representing public sector employees. This is the first time that a woman has occupied this position. The Vice-President of the Trinidad and Tobago Unified Teachers' Association is also a female. Recent statistics on the membership composition of trade unions and information on the representation of women at the executive levels of trade unions are not available. The Ministry of Labour and Co-operatives has made efforts to collate recent information in this regard from trade unions through surveys and questionnaires, but has been unsuccessful in obtaining an adequate response.

Article 8

196. Diplomatic and other related international posts are regulated by the Civil Service Act, Chap. 23:01, the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01 and the Retiring Allowances (Diplomatic Service) Act, Chap. 17:04. This legislation does not distinguish between men and women in respect of the applicability of the provisions, save in S. 14 of the Civil Service Act, Chap. 23:01 which states the following:

> *14. (1) Married women may be recruited on a permanent basis into the Civil Service and female officers shall not be required to resign their appointment on marriage.*
>
> *(2) A female officer who marries shall report the fact of her marriage to the Public Service Commission, through the Permanent Secretary of the Ministry or Departmental Head of the Department to which she is attached.*

197. Women have *de jure* equal access to diplomatic and international posts with men. Although there is no legislation which explicitly provides for this, access to diplomatic and international posts must be consistent with the Constitution, which prohibits discrimination on the basis of gender.

198. **Return of Personnel for the Period January 1999 through October 2000**

LEADERSHIP & DECISION-MAKING POSTS IN THE DIPLOMATIC SERVICE	TOTAL # OF POSTS		# OF POSTS HELD BY WOMEN		% OF TOTAL POSTS	
	1999	2000	1999	2000	1999	2000
Permanent Secretary (Head of the Foreign Service)	1	1	0	1	1	100
Heads of Missions (includes High Commissioners, Ambassadors & Consuls General)	14	14	2	*2	14	14
Foreign Service Officer V	10	10	2	2	20	20
Foreign Service Officer IV	10	10	4	4	40	40
Foreign Service Officer III	24	24	8	8	33	33
Foreign Service Officer II	28	28	7	7	25	25
Foreign Service Officer I	23	23	7	7	30	30

* acting posts

199. There are no legislative provisions with respect to the joint posting of spouses, however, the Government of Trinidad and Tobago facilitates the joint posting of spouses in the diplomatic service whenever it is convenient to do so.

200. It is the policy of the Government of Trinidad and Tobago to afford women the opportunity not only to participate in delegations to international meetings and conferences, but also to head such delegations. Over the period 1999 through October 2000, of the total number of nominees from Trinidad and Tobago who filled vacancies within the United Nations system and other regional and international organisations, 67% were female.

Article 9

201. A woman's right to acquire, change and retain her nationality is entrenched in the Constitution. This right is not affected by her husband's nationality upon marriage, or upon the dissolution of marriage. Provisions regulating citizenship also exist within the Citizenship Act, Chap. 18:01. Under this legislation, women have equal rights with men to acquire, change or retain their nationality.

202. The right to nationality is provided for in Ss.15 through 17 of the Constitution. This right is protected and guaranteed irrespective of one's race, origin, colour, religion or sex. The Constitution states the following:

> *15. Any person who became a citizen by birth under section 9(1) or a citizen by descent under section 9(2) of the former Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.*
>
> *16. Any person who became a citizen of Trinidad and Tobago by virtue of registration under the former Constitution or by virtue of an acquisition of citizenship under Part II of the Trinidad and Tobago Citizenship Act, and has not ceased to be a citizen under any law in force in Trinidad and Tobago, shall continue to be a citizen under this Constitution.*

17. (3) A person born outside Trinidad and Tobago after the commencement of this Constitution shall become a citizen of Trinidad and Tobago at the date of his birth if at that date either of his parents is, or was, but for his parent's death, a citizen of Trinidad and Tobago otherwise than by descent, so however that, in the case of a person employed in service under the Government or under an authority of the Government that requires him to reside outside Trinidad and Tobago for the proper discharge of his functions, this subsection shall be read as if the words "otherwise than by descent" were deleted.

17.(4) Any person who became a citizen by birth under section 12(1) or a citizen by descent under section 12(2) of the former Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.

17. (5) A person born outside Trinidad and Tobago after the 30th August 1962 whose mother was a citizen of Trinidad and Tobago otherwise than by descent at the date of his birth but who did not become a citizen at that date shall be deemed to have become a citizen at that date and shall continue to be a citizen of Trinidad and Tobago under this Constitution.

Persons who are citizens of Trinidad and Tobago by birth, and who acquire citizenship of another country, but as a result lose Trinidad and Tobago nationality, can on application be granted a certificate of Restoration, thereby regaining Trinidad and Tobago nationality.

203. The Citizenship Act, Chap. 1:50 came into effect in 1976, and granted women equal rights with men to transmit nationality to their children. Under previous legislation, single women and women who were married to non-nationals, were not afforded the right to transmit nationality to their children who were born abroad. By virtue of the new Act (1976), a child who is born abroad may acquire nationality at birth if either parent is a citizen, other than by descent. Further a single woman can endow her child who is born abroad with her nationality. The legislation also prescribes certain circumstances under which a child born abroad may be registered as a citizen of Trinidad and Tobago at the discretion of the Minister of National Security upon application by the responsible parent or guardian. However, 'responsible parent' is defined under the Act as the father and only the mother if paternity of the child is not established, the father is deceased, or where the mother has been awarded custody of the child by the Courts. Legislation prior to 1976 excluded women altogether in this regard.

204. Notwithstanding the general legal recognition that nationality can be acquired through either parent, there remains one area which is inconsistent with this principle, and concerns the adoption of a foreign child. Section 6 of the Citizenship Act, Chap: 1:50 provides that in the instance where the adoptive parent is a sole adopter, the child automatically acquires the nationality of the adoptive parent. However, where there are joint adopters, citizenship is only acquired if the male adopter is a national.

205. Minors cannot travel on either of their parent's passports. This practice has ceased, as children are now entitled to their own passports upon birth.

206. Until recently, a person had to renounce a previously held citizenship before becoming a citizen of Trinidad and Tobago by registration or naturalisation. By Act No. 63 of 2000, which was an "Act to amend the Citizenship Act of the Republic of Trinidad and Tobago," all citizens can now have dual nationality. This applies to men and women equally.

207. A married woman does not require her husband's permission to obtain a passport in Trinidad and Tobago.

Article 10

208. The right to education is not enshrined in the Constitution. It is however, recognised and protected through the Education Act, Chap. 39:01, which makes provision for the promotion of education in Trinidad and Tobago. Section 6(1) of this Act establishes the system of public education which includes primary education (full-time education suitable to the requirements of junior pupils), secondary education (full-time education suitable to the requirements of senior pupils who are under the age of twenty-years), and further education (which consists of full-time education beyond or in addition to secondary education, part-time education, or leisure-time occupation in organised cultural training and recreational activities for pupils who have attained the age of fifteen years). Government assisted schools are primarily single-sex schools. Core academic subjects are taught in all single-sex schools, and differences in curricula are only observed for what are regarded as 'non-academic' subjects. The availability of non-academic subjects is largely determined by the sex of the students attending the school. For example, woodworking is not offered at female Government assisted schools, nor is food and nutrition offered at male Government assisted schools. A lack of resources and a scarcity of teachers prevents these types of subjects from being offered to both sexes, which in effect constitutes a great impediment to securing a truly gender sensitive curriculum. The Ministry of Education has reviewed the curricula of primary schools in the country in respect of gender sensitivity. A report was subsequently drafted and submitted to Cabinet. Plans are now under way to do the same in respect of the secondary school curriculum.

209. In Government secondary schools where there is a wider variety of vocational subjects to choose from, the ease with which girls and boys are allowed to make their choices is left largely up to the discretion of the principal. There have been instances where principals have disallowed male students from pursuing traditionally female subject areas, and vice versa.

210. In respect of educational opportunities and access to the same, the Ministry of Education which is responsible for the administration of education in the country, has a stated policy of non-discrimination with respect to student admission to schools, including a stated policy of allowing all students the equal opportunity to write admission

examinations as the sole criterion to be considered for admission into secondary school. The education system therefore, is equally open to boys and girls.

211. In comparison to men/boys, women/girls enjoy the same access to the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality. No distinction is made between boys and girls in this regard.

212. Compulsory Education is provided for in Part III of the Education Act, Chap. 39:01. According to S. 77 of this Act:

> *it shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability, and aptitude, by regular attendance at school.*

Section 76 of this Act defines 'compulsory school age' as any age between six and twelve years, and in practice encompasses the completion of primary level education.

213. Recently, the Government convened a task force to review the educational curriculum for primary schools guided by directions agreed upon at the CARICOM Forum for Education in the Caribbean Citizenry of the Twenty-first Century. The report of the task forces mandated the development of gender sensitive curriculum in focus and practice to ensure the full and equitable development and participation of both boys and girls in education.

214. In the year 2000, the Government Policy with respect to education is for the State to provide free secondary education for all. To this end, the Government has recently focused its efforts on increasing and improving access to educational opportunities at all levels, through the following:

- **continued decentralisation of the Ministry of Education**
  This will bring the management of the school system to the community level, thereby resulting in increased flexibility of decision-making which meets the needs of communities more appropriately.

- **an increased number of school places available**
  This will provide girls with an enhanced opportunity to access education. Women who are the primary care and support givers will also benefit as they will no longer have the financial burden of paying for the child's education, nor will they have to supervise the child in the home, or pay for child care services (where finances do not permit paid education).

- **the establishment of 31 Life Long Learning Centres for adult education**
  This will improve literacy skills of women and enhance their potential in respect of economic productivity.

- **the expansion of student support services**
  This will improve women's ability to participate in the economy and other sectors.

215. **Enrolment in Government and Government-assisted Schools by Educational Level (Trinidad, 1991-2000)**

ACADEMIC YEAR	PRIMARY			SECONDARY		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1991-1992	15,156	15,741	30,897	48,571	48,590	97,161
1992-1993	15,824	16,115	31,939	49,416	50,174	99,590
1993-1994	15,356	16,059	31,415	49,686	50,923	100,609
1994-1995	14,367	15,096	29,463	49,659	51,017	100,676
1995-1996	14, 570	15,085	29,655	50,612	52,404	103,016
1996-1997	14,111	14,849	28,960	51,096	53,253	104,349
1997-1998	14,139	14,370	28,509	51,931	54,119	106,050
1998-1999	14,212	14,586	28,798	51,740	54,050	105,790
1999-2000	14,354	14,686	29,040	51,461	54,048	105,509

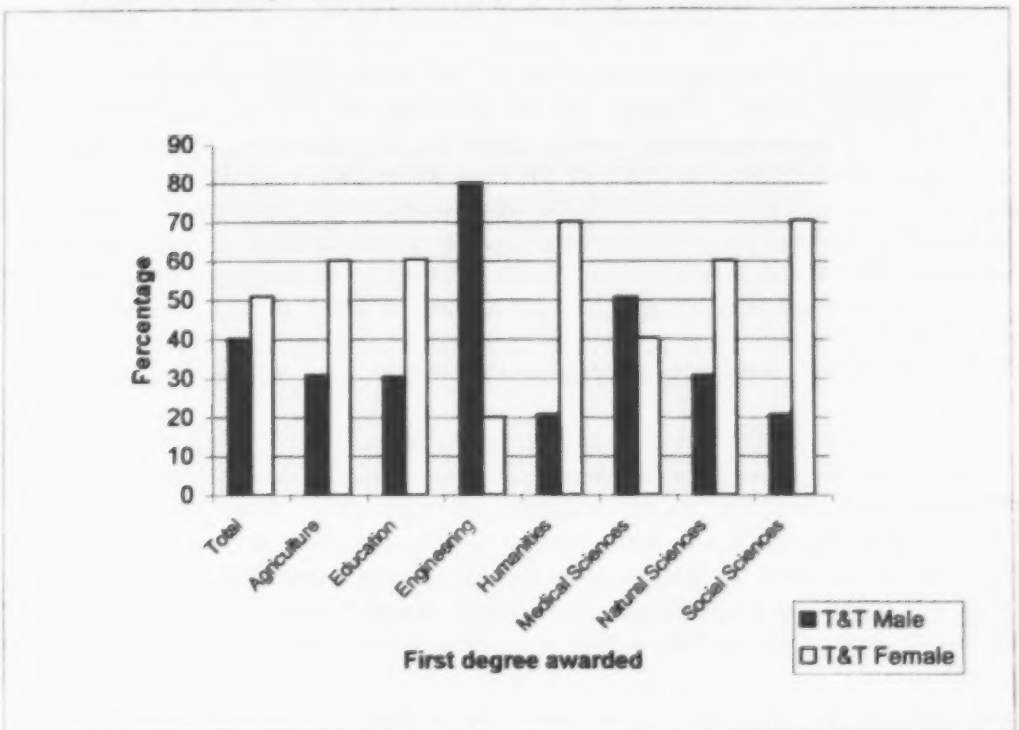
216. In respect of tertiary education, everyone has access to higher education provided that they fulfill the required academic criteria. Available places at the University of the West Indies, St. Augustine are limited and operates on a competitive basis. In respect of cost, all programmes at the University of the West Indies incur some level of cost to the student with the exception of a Diploma in Education and a Bachelor's Degree in Education. The student cost of an undergraduate degree that is taken on a full-time basis, ranges from TT $10,400 to $74,115 per annum, depending on the programme. The cost for a medical programme is TT $74,115 per annum, of which the Government usually pays half. With respect to the completion of an undergraduate degree on a part-time basis, the cost is half of that charged for programmes undertaken on a full-time basis.

217. A 1997 review of the percentage distribution of male and female graduates of the University of the West Indies by first degree, demonstrated that women performed better than men in every discipline, except medicine and engineering. In these two disciplines, the female enrolment rate is only 20%. Women however, continue to be concentrated in a limited number of fields of study – even though there is a steady increase of women entering non-traditional occupational areas – which seems to prepare them for work and other emoluments which are less attractive or alternatively, are low-paying and require little skill.

218. **Enrollment at the University of the West Indies, St. Augustine Campus (1996/1997)**

Degree	Full time			Part time		
	Male	Female	Total	Male	Female	Total
Undergraduate	1778 (47.0%)	2003 (52.9%)	3781	135 (31.3%)	297 (68.8%)	432
Diploma	11 (21.1%)	41 (78.8%)	52	36 (26.7%)	99 (73.3%)	135
Certificate	8 (30.8%)	18 (69.2%)	26	93 (33.2%)	187 (66.8%)	280
Higher degrees	96 (43.6%)	124 (56.3%)	220	532 (54.4%)	446 (45.6%)	978
Advanced Diploma	3 (100.0%)	0	3	35 (35.0%)	65 (65.0%)	100
TOTAL	1896 (46.4%)	2106 (51.6%)	4082	831 (43.2%)	1094 (56.8%)	1925

Percentage Distribution of Male and Female Graduates of the University of West Indies by First Degree Awarded (1996/1997)



219. Technical and vocational training is available through adult education programmes offered by the Ministry of Education. Females have equal access to all vocational training and technical education. The programmes are offered through 50 schools throughout Trinidad. Over the 1998-1999 academic year, over 3,840 females and

over 440 males were enrolled in these programmes. Statistics do not however, reveal how many of those enrolled, live in rural areas.

220. **Enrolment in Technical and Vocational Schools by Programme, Year and Sex (Technician Courses) 1997/1998**

Programme	TOTAL			Year 1		Year 2		Year 3	
	Both Sexes	Male	Female	Male	Female	Male	Female	Male	Female
Commercial	673	173	500	88	225	74	243	11	32
Trade, Craft & Industrial	173	122	51	112	47	-	-	10	4
Engineering	1415	1257	158	570	66	432	44	255	48
Home Economics	235	45	190	14	103	31	87	-	-
Transport & Communic.	109	94	15	45	5	38	7	11	3
TOTAL	2605	1691	914	829	446	575	381	287	87
Total Full Time	1252	774	478	398	216	262	228	114	34
Total Part Time	1353	917	436	431	230	313	153	173	53

221. **Enrolment in Technical and Vocational Schools by Programme, Year and Sex (Craft Courses) 1997/1998**

Programme	TOTAL			Year 1		Year 2		Year 3	
	Both Sexes	Male	Female	Male	Female	Male	Female	Male	Female
Fine & Applied Arts	33	12	21	8	10	4	11	-	-
Commercial	23	-	23	-	23	-	-	-	-
Trade, Craft & Industr.	1027	944	83	468	50	429	30	47	3
Engineering	247	227	20	79	3	112	17	36	-
TOTAL	1330	1183	147	555	86	545	58	83	3
Total Full Time	623	580	43	277	18	303	25	-	-
Total Part Time	707	603	104	278	68	242	33	83	3

222. Female entrants generally choose vocational education subjects related to women's reproductive roles (i.e. child care, dressmaking and home economics). This is confirmed by the statistical data obtained from Y.T.E.P.P (below). In light of this reality, various programmes have been implemented to improve women's access to vocational training in various non-traditional areas, such as science and technology, including continuing education. In this regard, the Government piloted two training projects in 1998 involving 200 women, who were trained in masonry, plumbing, technical drawing and blue print reading, construction, carpentry and electrical installation. Since then, the International Development Bank and the Government of Trinidad and Tobago have collaborated to develop a programme to train 300 women over the next 3 years in these areas.

223. Vocational guidance and training, from which many young women of the country benefit, is provided through the Youth Training and Employment Partnership Programme (Y.T.E.P.P.). The Y.T.E.P.P consists of three basic components. The Vocational Skills Training component is designed to give young persons between the ages of 15 and 25 years, skills for employment, including self-employment. The Y.T.E.P.P. offers a wide range of training courses in production and service areas. Those who complete training, achieve competencies equivalent to pre-craft and craft level in Trinidad and Tobago. The

Career Enhancement Training component addresses the trainee's attitude to work, confidence building and self-esteem, and where necessary, remedial education in literacy and mathematics. Finally, the Post Training Assistance component provides technical support in project development, marketing and business management to those programme graduates who are interested in starting their own businesses, as well as providing work experience for others. The Programme trains approximately 10,000 young persons per year in fourteen occupational areas at schools and community facilities throughout Trinidad and Tobago.

Y.T.E.P.P. Enrollment by Occupational Area and Gender, Cycles 11-16 (1996-2000)

OCCUPATIONAL AREA	CYCLE 11		CYCLE 12		CYCLE 13		CYCLE 14		CYCLE 15		CYCLE 16	
	M	F	M	F	M	F	M	F	M	F	M	F
Applied Arts	144	275	76	164	75	127	63	114	28	26	18	24
Auto Maintenance & Repair	298	60	319	17	291	12	189	31	77	3	128	6
Beauty Culture	45	554	36	459	18	398	10	375	2	186	2	248
Construction	270	19	196	18	198	21	178	19	84	9	112	3
Craft	38	125	44	80	37	84	46	95	8	14	16	13
Electricity & Electronics Related	661	37	612	49	636	46	558	70	353	24	354	27
Family Services	2	158	1	31	2	60	-	66	1	34	1	38
Food Preparation	110	424	84	336	100	368	81	342	71	233	66	216
Garment Construction	63	589	83	496	95	519	69	447	30	157	20	162
Metal Design and Fabrication	403	8	382	21	398	11	298	36	234	11	238	11
Secretarial/Business Support Services	58	787	69	755	55	649	43	636	31	293	26	322
Tourism & Hospitality Services	16	83	14	65	-	-	17	12	-	-	5	9

Enrollment Data, Cycles 11-16

CYCLE / YEAR	MALE	FEMALE	TOTAL
Cycle 11 (1996)	2108	3119	5227
Cycle 12 (1997)	1916	2491	4407
Cycle 13 (1998)	1905	2285	4194
Cycle 14 (1998)	1552	2243	3795
Cycle 15 (1999)	919	990	1909
Cycle 16 (2000)	986	1079	2065

224. In 1998, the Ministry of Culture and Gender Affairs, on behalf of the Government, entered into a technical co-operation agreement with the Inter-American Development Bank for the conduct of a Regional Non-traditional Training Programme for Women involving Guyana, Belize and Jamaica. The programme seeks to link the labour market, training and employment of women with poverty alleviation. Currently, necessary measures are being put in place to facilitate the launch of this programme.

225. In 1999, the Women Second Chances Programme was initiated by the Gender Affairs Division of the Ministry of Culture and Gender Affairs. This programme targets the poor and most vulnerable women within the country, particularly single female household heads, and provides them with training in the areas of agricultural production, grow box technology and in elderly care, while providing community based Homework Centres for their children. Participants are given a stipend while undergoing training to offset the cost of transportation, meals and upkeep. Modules on personal and self-

development are included to enhance the capacity of women in dealing with their challenging circumstances. Follow-up of the participants is conducted to ensure employment, micro-enterprise development and the creation of sustainable livelihoods as a mandatory aspect of the programme portfolio. For example, participants of the agricultural production training programme are encouraged to form their own non-Governmental organisations, and then are assisted in applying for a grant with the Community Development Fund to ensure that their agricultural activities remain sustainable.

226. In comparison to boys/men, girls/women enjoy the same opportunities to benefit from scholarships and other study grants. Criteria determining allocation of grants/scholarships are based on educational achievement and not on gender.

227. **Scholarships Awarded by Year and Sex, 1995-1999**

SCHOLARSHIP	1995		1996		1997		1998		1999	
	M	F	M	F	M	F	M	F	M	F
Cambridge Advanced Level	27	23	28	32	27	33	26	41	33	34
Eastern Caribbean Institute of Agriculture & Forestry	1	1	1	1	1	1	1	1	-	2
Teacher's College	-	5	2	3	1	4	2	3	-	-
Technical Teacher Training	-	4	-	-	-	-	-	5	-	-
National Examination Council Technician	3	2	2	2	3	2	2	3	2	1
TOTAL	31	35	33	38	32	40	31	53	35	37

228. Adult literacy programmes are offered at 50 schools located in various rural and urban areas across the country. Over the 1998-1999 academic year, over 280 females and over 240 males were enrolled in these programmes.

229. **Literacy Rate by Sex, 1994**

LITERACY STATUS	MALE	FEMALE	TOTAL
FUNCTIONALLY LITERATE	76.9%	77.8%	77.4%
FUNCTIONALLY ILLITERATE	15.6%	13.8%	14.6%
ILLITERATE	7.5%	8.4%	8.0%
TOTAL	100%	100%	100%

230. **Female Dropout Rate (%) by Educational Level (Trinidad and Tobago)**

Level	1997/1998	1998/1999
Primary	0.6	0.5
Secondary	0.8	0.6

231. **Drop-out Rates for Primary and Secondary Levels, by Sex (Trinidad and Tobago, 1991-2000)**

ACADEMIC YEAR	PRIMARY			SECONDARY		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1991-1992	0.7	0.6	0.6	1.2	1.0	1.1
1992-1993	0.42	0.40	0.41	1.3	1.0	1.2
1993-1994	0.5	0.4	0.4	1.7	1.1	1.4
1994-1995	0.4	0.4	0.4	1.7	1.2	1.5
1995-1996	0.4	0.3	0.3	1.5	1.2	1.4
1996-1997	0.6	0.4	0.5	1.0	0.7	0.8
1997-1998	0.7	0.6	0.6	1.0	0.8	0.9
1998-1999	0.5	0.7	0.6	0.8	0.6	0.7
1999-2000	0.3	0.2	0.2	0.8	0.6	0.7

232. Although the Ministry of Education does not have a written policy in respect of pregnant or married students attending school, the practice is that students cannot be debarred from an education as a consequence of marriage or pregnancy. Although statistics in respect of school drop-out rates of pregnant girls are not available, it is believed that cultural prejudices towards, and economic circumstances of such females serve to interfere with their educational attainment. The Lifelong Learning Centres which provide educational opportunities for persons who are 15 years and older and who did not attend or complete primary and/or secondary education, also cater to teenage mothers who had dropped out of school. C.H.O.I.C.E.S. which is a joint project of the Ministry of Health, the Ministry of Social and Community Development and the Child Welfare League (a non-governmental organisation) also runs programmes for pregnant teenagers.

233. There are no available adult education programmes which are geared specifically towards girls and women. However, available adult education programmes are equally available to both sexes and administer the same curricula to males and females.

234. In respect of continuing education, there is an Adult Education Unit within the Ministry of Education. This Unit has 45 Lifelong Learning Centres throughout the country, which provide educational opportunities for persons who are 15 years of age and older and who did not attend or complete primary and/or secondary education. For the 1999/2000 fiscal year, the Minister of Finance allocated funding for the opening of an additional five centres, which will bring the total number to 50 throughout the country. Currently, these centres are operated by a staff of 45 supervisors and 370 tutors, which are usually selected from retired principals, supervisors and teachers of the Ministry of Education. Their 'know how' and experience are utilised to the fullest. This programme offers instruction in literacy and remedial education, which is geared to meet special needs related to 'second chance' education. Introductory occupational courses include garment construction, plumbing, typewriting, home care for the elderly, computer literacy, book binding, ceramics, repairs to small appliances, etc. Classes are also held in family life education and post primary education.

235. Women Working for Social Progress (Working Women) is a non-Governmental, non-profit developmental organisation which was established in 1985 to campaign and raise consciousness on the situation of women and gender relations through a number of

activities. Recently, this organisation purchased a building to serve as its Headquarters which houses the School of Alternative Education. This School was set up to address the need for adult education for persons who may feel intimidated by traditional adult educational classes. While the school initially offered literacy classes, it has since expanded to offer classes in the English Language at two levels, Spanish at two levels, Lay Counselling for People Support, Patois, English for tertiary education, and a variety of one-day workshops (these address issues such as non-violent childcare, sexual harassment and communication for activists of non-governmental organisations).

236. In September 1994, in response to felt needs of the community, the Federation of Women's Institutes which is a non-Governmental organization, established a Learning Centre to cater for 11 plus students who had failed the Common Entrance Examination and in consequence ended their academic studies prematurely. Initially, the Federation's aim was to provide remedial education and training to a number of school aged children who might otherwise remain idly at home or resort to anti-social behaviour on the streets. Accordingly, the Federation extended its efforts to support mothers in their parenting roles. Most of the young persons participating in the center have single working mothers or live in situations where they are left with much unstructured time. This centre initially began with 6 children and now caters for approximately 160 teenagers, of which a significant number are young girls.

Enrollment in the Learning Centre by Gender, 1994-2000

YEAR	MALE	FEMALE	TOTAL
1994	20	32	52
1995	74	56	130
1996	58	27	85
1997	32	23	55
1998	39	21	60
1999	30	23	53
2000	29	18	47

237. The Federation has also set up programmes dealing with incest, domestic violence, drug abuse, alcoholism, mental problems, unemployment and H.I.V./A.I.D.S. The Federation provides counselling, referrals, serving of hot meals, distribution of clothing and foodstuff, skills training and lectures in parenting and family life issues.

238. The Ministry of Education does not specifically allocate financial resources for physical education since it is incorporated as a subject in the school curriculum and is catered for in the same manner as other subject areas. However in practice, physical education is given lower priority in comparison with other subject areas.

239. Physical education is taught at the secondary level, in most instances by one female and one male teacher. At the primary level, teachers teach both sexes. Participation in physical education is mandatory until the third year of secondary education. This is a result of a shortage of teachers trained in physical education.

240. Female participation in all forms of physical education is encouraged, although factors such as ethnic background, puberty and body image have been found to negatively influence the degree of participation. The degree of female participation in physical education is not documented, thereby making statistical data unavailable.

241. Gender-sensitive training has been initiated for education officials and teachers to assist in gender mainstreaming in the schools. Thus far, the Gender Affairs Division has conducted a two-day training programme for principals and teachers in the Eastern region of the country. Approximately 4 principals and 38 teachers were trained.

242. Information and advice on family planning to ensure the health and well-being of families is taught within the school system under the Family Life Education curriculum, which is organized into four major areas: health and well-being, family, population education, and work/leisure. This curriculum however, is only offered at the primary level. The introduction of such a curriculum at the secondary level is currently under consideration, although family planning is incorporated into a syllabus at the secondary level and includes the following topics:

- the nature and importance of family planning;
- the negative consequences of unplanned parenthood;
- family planning services; and
- family planning techniques.

It must be noted however, that the Family Life Education curriculum continues to receive strong resistance from bodies such as school boards, churches and parent-teacher associations.

243. The core curriculum at all Teachers' Colleges also includes family life education, which is organised into the following major areas:

- health and well-being;
- substance abuse;
- leisure;
- safety; and
- heredity and human reproduction.

Article 11

244. One of the principles upon which the Constitution of the Republic of Trinidad and Tobago is based is that of social justice. According to this principle, the operation of the economic system should result in, *inter alia*, the material resources of the community being so distributed so as to serve the common good and, an adequate means of livelihood for all. The Constitution also states that the fundamental rights and freedoms "shall continue to exist without discrimination by reason of race, origin, colour, religion or sex". Therefore, the Constitution inherently recognises the right of every citizen to work so as to achieve an adequate livelihood. However, although many of the

Government's policies may be expressly designed to create employment, there is nowhere guaranteed to any citizen, whether male or female, the right to work.

245. Non-residents are permitted to work if they possess a valid work permit. Foreign spouses may apply for residence following three years of marriage and can apply for citizenship after a period of five years' residence.

246. In general, recruitment of personnel in jobs in Trinidad and Tobago follows a pattern of public advertisement, interview and placement. The Government, which is one of the largest employers in the country, is subject to specific recruitment regulations that apply to both sexes. For example, in the police service, recruitment procedures are similar for both male and female officers. Female police officers also discharge the same responsibilities as their male counterparts in all branches of the service. The employment of women in the prison service, however, has been limited by the size of the female prison population. The fire service recently began recruiting female officers.

247. The Ministry of Labour and Co-operatives, in addition to its functions in the area of labour relations and the collective bargaining process also operates as a recruitment service for citizens. Although the Ministry has not implemented any programmes to target women, it has undertaken initiatives to reduce unemployment, including female unemployment, and provide persons with the skills required for effective entry into the labour force. The Ministry is focused on deriving and implementing policies and techniques, which will result in steady economic development and full, productive employment. The Ministry's work in this area can be categorised as follows:

- The National Employment Service
- The National Human Resource Management Information System
- Management of Labour Relations

Women have equal opportunity with men to access these services.

248. The National Employment Service (N.E.S.) falls under the purview of the Ministry of Labour and Co-operatives, and consists of Employment Exchanges, the Registration Centre and the Farm Programme Unit. The N.E.S. offers a free service to employers and members of the community. Its mission is:

> *To facilitate the employment process and the optimum utilisation of the country's workforce by the recruitment, counselling, selection and placement of workers for every variety of public and other works.*

249. The Ministry of Labour and Co-operatives is presently in the process of re-engineering its Manpower Division (under which the N.E.S. operates) into a quality organisation in terms of its structure, staffing, physical facilities and operations, in order to effectively meet the challenges of the twenty-first century. Pre-requisites expected to be put into place to ensure quality in the services offered by the N.E.S. include:

- implementation of the required legislative framework;
- improvements to the physical infrastructure;
- training of staff;
- development of standards of operations;
- appropriate access to job vacancies; and
- a well designed public relations programme.

In this regard, the main function of Employment Exchanges will be centred on placement, canvassing employers and advisory services for enterprises, locally and abroad, vocational information and guidance, vocational training and statistical information.

250. The Ministry of Labour and Co-operatives is also planning to stage job fairs to be held in three regional areas throughout Trinidad and Tobago. These are aimed at encouraging registration of both employers and employees in respect of jobs and skills. This is expected to achieve increased placement of applicants, as well as increased advice on the re-training programme of Government employers and employees.

251. The Ministry of Labour and Co-operatives is proactive with regard to the implementation of policies and measures to assist in the alleviation of unemployment in the country by providing means whereby persons seeking work can utilise the services of the N.E.S. to secure placement. The Farm Programme component of this service is critical in that it allows for the export of local labour. The National Human Resource Management Information System (N.H.R.M.I.S.) is also critical in this area. The N.H.R.M.I.S. is a comprehensive information tool that produces and disseminates up-to-date information to users on a timely and continuous basis. This system collects, analyses and disseminates labour market information to various targeted users. It provides the opportunity for manpower planning so as to achieve optimal utilisation of the country's human resources. One of the main goals of manpower planning is to forecast future workforce needs, thus enabling educational institutions, in terms of their respective curricula, to cater for the requirements of the labour market, and ensure that persons acquire the relevant qualifications to be able to fulfill the future needs of employers.

252. The Government of Trinidad and Tobago has recognised that its greatest investment for the future lies in the area of human resources. As a result, the Government is providing men and women with opportunities for successful and productive lives through the implementation of the Community Based Distance Learning Centre Project of the Ministry of Training and Distance Learning. Through this project, persons in the community can access academic, craft, technical and enrichment courses made available through various local, regional and international institutions to be studied at the convenience of individuals. The facilities for accessing these courses are made available through a Community Based Distance Learning Centre. Upon completion, participants receive certification commensurate with the course of study pursued. The Centre is located in the community where residents can access teaching assistance for courses of their choice via television, radio, audio or video cassettes, including the Internet. This has proven ideal for women with familial responsibilities. Learning Centres allow for ready

access and flexible scheduling for all members of the community wishing to participate in any distance learning programme. The Centre is now linked with the Distance Learning Secretariat, which is the operational arm of the Ministry of Training and Distance Learning. The Secretariat is responsible for ensuring opportunities for skill acquisition and upgrading in Trinidad and Tobago. Currently, a computer literacy course is offered through the Community Based Distance Learning Centres, in collaboration with the Secretariat. Over the period May 1999 through October 2000, there were 2,236 female graduates and 832 male graduates of this course.

253. The changing fortunes in the economy of Trinidad and Tobago from the 1970's to the 1990's were reflected in the levels of employment in the country. During the period October 1998 to March 1999, the number of persons in the labour force averaged 562,600. This was an increase of persons in the labour force by 3.4% over the corresponding 1997/1998 period. Employment grew by 2.8% or 13,000 jobs to 480,600 persons over the first six months of the current fiscal year (October 1998 to March 1999), as opposed to 467,600 persons during the corresponding 1997/1998 period. For the first six months of the 1999/2000 fiscal year, males accounted for 63.9% or 307,300 persons of the total number of persons employed, whereas the number of females employed totaled 35.1% or 173,300 persons. The unemployment rate for the last quarter of 1998 (June to September) which was 15.1%, reduced to 11.7% during the second quarter of 1999 (April to June). The unemployment rate for both males and females continued its shift downwards to 9.8% for males, and 14.9% for females. The highest rates of unemployment for both males and females continue to be among those in the 15 to 19 age group. The rate of unemployment, which was 14.8% in 1975, increased to 22.3% in 1987, and has fallen to 11.7% in 1999. What is clearly evident is that the Government's macro-economic policies affect economic growth, and the development of the country, as well as employment levels. However, the State can no longer be depended upon to be the largest employer of the country's labour force. In this regard, new options are being explored for the regeneration of a type of growth that maximizes the utilisation of the labour force. The Ministry of Labour and Co-operatives in adhering to its mission has undertaken initiatives to reduce unemployment and provide persons with the skills required for effective entry into the labour force. The Ministry is focused on deriving and implementing policies and techniques, which will result in steady economic development and full, productive employment.

254. **Summary Indicators of Women's Participation in the Labour Force 1991-1995**

Indicator	1991	1992	1993	1994	1995
Female Percentage of Labour Force	36.0	37.1	37.0	37.4	37.2
Male Percentage of Labour Force	64.0	63.0	63.0	62.6	62.8
Female Labour Force Participation Rate	42.0	44.1	43.7	44.3	44.9
Male Labour Force Participation Rate	75.8	76.1	75.5	74.6	75.5
Female Unemployment Rate	23.4	23.9	23.4	22.3	20.6
Male Unemployment Rate	15.7	17.0	17.6	16.1	15.1
Female Percentage of All Wage Earners	34.4	36.1	36.6	36.5	37.2
Male Percentage of All Wage Earners	61.6	60.3	65.1	64.5	65.7
Female Percentage of All Unpaid Workers	61.6	60.3	65.1	64.5	65.7

255. **Labour Force by Employment Status and Sex, 1995-1999**

EMPLOYMENT STATUS	GENDER	YEAR				
		1995	1996	1997	1998	1999
TOTAL LABOUR FORCE	BOTH SEXES	521,000	530,400	541,000	558,700	563,300
	MALE	327,000	325,700	335,800	344,600	347,900
	FEMALE	194,000	204,700	205,200	212,400	215,400
NON-INSTITUTIONAL POPULATION (15 YEARS & OVER)	BOTH SEXES	864,900	876,700	896,600	913,400	926,000
	MALE	433,300	439,200	449,200	457,600	463,900
	FEMALE	431,600	437,500	447,400	455,800	462,100
NUMBER EMPLOYED	BOTH SEXES	431,500	444,200	459,800	479,300	489,300
	MALE	277,500	282,500	294,500	305,500	310,000
	FEMALE	154,000	161,700	165,300	173,800	179,300
LABOUR FORCE PARTICIPATION RATE (%)*	BOTH SEXES	60.2	60.5	60.3	61.2	60.8
	MALE	75.5	74.2	74.8	75.3	74.9
	FEMALE	44.9	46.8	45.9	47.0	46.6
NUMBER UNEMPLOYED	BOTH SEXES	89,400	86,100	81,200	79,400	74,000
	MALE	49,500	43,100	41,300	39,000	38,000
	FEMALE	39,900	43,000	39,900	40,400	36,000
UNEMPLOYMENT RATE	BOTH SEXES	17.2	16.2	15.0	14.2	13.1
	MALE	15.1	13.2	12.3	11.3	10.9
	FEMALE	20.6	21.0	19.4	18.9	16.7

* Labour force participation is calculated by taking the total labour force and dividing it by non-institutional population.

256. **Labour Force by Industrial Group and Gender, 2nd Quarter, 1999**

Industry	Persons Employed (%)		
	Total	Males	Females
Sugar (cultivation & manufacture)	2.8	4.3	0.3
Agriculture, forestry, hunting & fishing	5.8	7.7	2.8
Petroleum & gas	2.9	3.9	1.2
Other mining & quarrying	0.2	0.3	-
Other manufacturing (incl. Sugar & oil)	10.9	11.5	9.8
Electricity & water	1.2	1.7	0.3
Construction	12.9	19.0	2.7
Wholesale, retail trade, restaurants & hotels	17.4	12.3	26.0
Transport, storage and communication	6.9	9.0	3.3
Finance, insurance, real estate & business services	7.8	6.2	10.4
Community, social & personal services	31.2	24.1	43.1
Not stated	0.1	0.1	-
TOTAL	100	100	100

257. **Female Unemployment Rates by Age Group (1991-1995, & 2nd Quarter of 1999)**

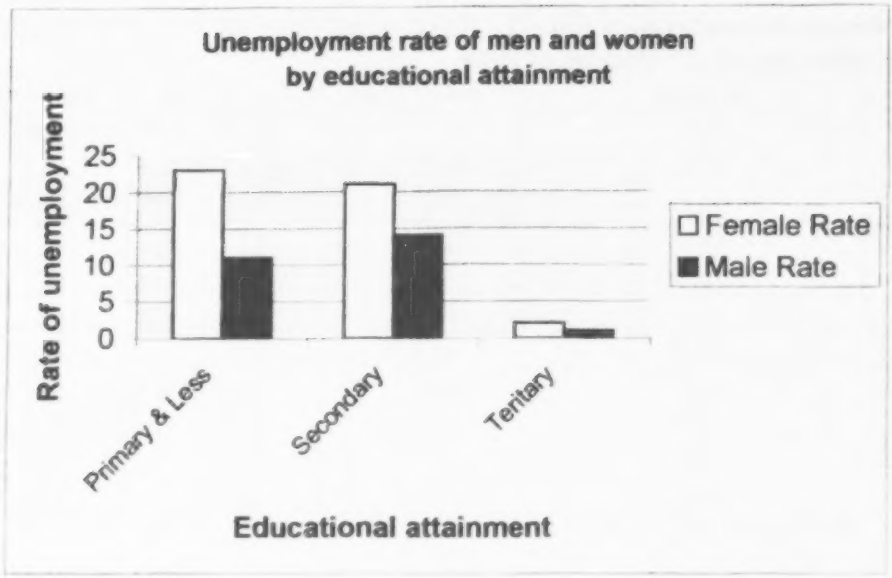
AGE GROUP	1991	1992	1993	1994	1995	1999*
15-19	56.6	52.2	59.7	47.5	44.7	47.4
20-24	35.7	34.8	32.5	34.9	31.5	21.1
25-29	25.8	28.3	24.3	27.	22.8	18.3
30-34	18.4	23.1	23.8	20.1	20.7	11.9
35-39	17.4	19.3	18.7	16.2	17.0	9.9
40-44	14.4	14.4	14.2	13.3	12.7	8.1
45-49	12.8	13.5	15.7	15.4	11.4	8.3
50-54	11.9	12.1	11.3	12.8	9.4	9.4
55-59	9.1	7.3	11.1	11.7	9.5	8.9
60-64	10.5	11.4	7.2	10.3	6.9	3.8
65+	3.3	4.5	3.3	-	3.3	-

* covers the period April to June 1999

258. **Unemployment as a Percentage of the Labour Force and Participation Rates (15 years of age and older)**

Period	Female		Male		Total	
	Emp.	Particip.	Emp.	Particip.	Emp.	Particip.
2nd Quarter 1998	18.8	46.5	10.1	75.5	13.4	61.4
3rd Quarter 1998	18.0	47.9	11.1	75.6	13.8	61.8
4th Quarter 1998	20.3	47.2	11.9	75.2	15.1	61.2
1st Quarter 1999	18.6	46.7	11.3	75.9	14.1	61.3
2nd Quarter 1999	14.9	47.1	9.8	74.9	11.7	61.1

259. When correlating unemployment rates with educational attainment, data reveals that women who had attained primary, secondary and tertiary level training were found to experience higher levels of unemployment when compared to men of similar levels of training.



260. Official statistical information on the number of women in low-paying and part-time employment, as well as on migrant women and domestic employees is unavailable.

261. With respect to non-unionised workers, the Minister of Labour and Co-operatives is authorised, by virtue of the Minimum Wages Act, No. 35 of 1976 (as amended), to fix minimum wages and the terms and conditions of service 'for any class of workers in a particular industry or undertaking or fix a national minimum wage applicable to workers generally' where he or she is of the opinion that it is necessary to do so.

262. Terms and conditions of employment for domestic employees and household assistants are regulated by the Minimum Wages Act, Chap. 88:04 and the Maternity Protection Act, No. 4 of 1998. These pieces of legislation fix a minimum wage and specifys other terms and conditions of employment including hours of work, sick leave, vacation leave and maternity benefits. A Minimum Wage Order applying to domestic employees first came into effect in 1979, but did not provide for maternity leave. The Minimum Wage (Household Assistants) Order of 1991 replaced the 1979 Order which provided for paid maternity leave and an increased minimum wage. In 1998, a National Minimum Wage was adopted through a new Minimum Wage Order which now provides for a nation-wide minimum wage that applies to all workers in Trinidad and Tobago, including domestic workers. Section 2 of the Minimum Wages Act defines worker as "a person in receipt of earnings from an employer in respect of employment and includes an out-worker" which the Act defines as " a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale, in his own home or on other premises not under the control of management of the person who gave out the articles or materials." Under the Minimum Wages Act, the employer is obliged to keep records for a minimum of three years, and power is afforded to authorized officers to inspect these records. Any breach of the provisions contained in the Act or Order constitutes an offence and redress may be sought in the Magistrates'

Court. In practice, enforcement is proved difficult. Domestic employees generally do not pursue these remedies in Court. Consequently, they report failure on the part of employers to pay the prescribed minimum wage of TT $7.00 per hour. Further, according to the President of the National Union of Domestic Employees, notwithstanding the existence of appropriate legislation, pregnancy continues to be a frequent cause of dismissal of domestic employees. The majority of these workers are not re-hired upon the conclusion of maternity leave, and are not paid for leave taken.

263. The National Union of Domestic Employees (N.U.D.E.) is the only trade union in Trinidad and Tobago established with the specific objective of organizing and representing domestic workers. This union recognises limited financial resources and the fact that the definition of 'worker' under the Industrial Relations Act, Chap. 88:01 excludes 'domestic worker,' as the major obstacles faced by domestic employees within the country. Section 2(3)(f) of the Act provides that "for the purpose of this Act, no person shall be regarded a worker, if he is: employed in any capacity of a domestic nature...in or about a private dwelling house and paid by the householder." Since domestic workers are not considered workers under this Act, there is no possibility of their entering into the collective bargaining process. A further consequence is that domestic workers are deprived protection against victimization for trade union activities as a direct result of their exclusion. N.U.D.E. reports that as a result, domestic workers generally do not benefit from the National Insurance scheme, which provides monetary benefits in instances of illness, maternity, unemployment, injury, retirement, survival and funerals. They also do not in practice, benefit from the National Minimum Wage Order. Further, when dismissed from employment, it is usually without notice or compensation. In order to change this practice, N.U.D.E. has indicated that legislative reform which includes a definition of domestic worker that is specific and inclusive, and guidelines that realistically limit the duties and conditions of domestic work is necessary. The Basic Conditions of Work Bill, 2000 proposes to make provision for *inter alia*, hours of work, paid leave, employment and remuneration, termination, disability protection and sexual harassment, which will apply to domestic workers.

264. **Percentage of Women's Share of Paid Employment by Industry 1991-1995**

Industry	1991	1992	1993	1994	1995
Sugar (cultivation & manufacture)	0.3	0.3	0.6	0.3	0.3
Agriculture, forestry, hunting & fishing	0.5	0.5	0.5	0.5	0.3
Petroleum & gas	0.6	0.5	0.5	0.6	0.9
Other mining & quarrying	0.0	0.0	0.0	0.0	0.0
Other manufacturing (incl. Sugar & oil)	4.5	4.1	4.0	3.8	3.4
Electricity & water	0.3	0.3	0.3	0.3	0.3
Construction	3.1	3.7	3.8	1.3	1.2
Wholesale, retail trade, restaurants & hotels	7.5	7.8	7.7	6.2	7.9
Transport, storage and communication	1.2	1.2	1.3	1.5	1.5
Finance, insurance, real estate & business services	4.2	4.0	3.6	4.3	4.1
Community, social & personal services	15.0	16.1	16.9	17.8	17.3

265. **Proportion of Female Unpaid Workers by Industry (1991-1995)**

Industry	1991	1992	1993	1994	1995
Sugar (cultivation & manufacture)	1.4	4.1	3.3	1.3	2.9
Agriculture, forestry, hunting & fishing	25.4	20.5	22.4	25.8	24.3
Petroleum & gas	0.7	-	-	-	-
Other mining & quarrying	-	-	-	-	-
Other manufacturing (incl. Sugar & oil)	1.4	3.4	1.9	1.3	1.4
Electricity & water	-	-	-	-	-
Construction	-	0.7	1.3	0.7	0.7
Wholesale, retail trade, restaurants & hotels	26.8	26.0	29.6	32.9	31.4
Transport, storage and communication	-	-	-	0.7	-
Finance, insurance, real estate & business services	-	-	1.3	0.7	0.7
Community, social & personal services	4.3	5.5	5.3	1.3	3.6

266. Official statistical information on unpaid women workers by rural/urban area is not available.

267. The Co-operative Division of the Ministry of Labour and Co-operatives is actively engaged in the promotion of cooperative ethos among women, especially in rural communities. In this regard, the Division conducts a series of training programmes and assists women in establishing co-operatives. The funds generated from these ventures are often channeled into the development and enhancement of the status of these cooperatives. One area of improvement involves the enhancement of technological efficiency for the enhancement of working conditions.

268. The Unemployment Relief of Women's Training Programme was one such programme implemented by the Government to target unemployable and unemployed women through training. This was provided through instruction of marketable disciplines to promote productive employment and sustainable livelihoods. Participants received a stipend to support their participation. Unfortunately, this programme has been discontinued due to a lack of financial resources.

269. In 1996, the Ministry of Culture and Gender Affairs implemented a programme which targeted women and provided training in non-traditional fields, including masonry, plumbing, technical drawing, print reading, and construction/carpentry. The Ministry of Culture and Gender Affairs intends to expand this programme to other disciplines.

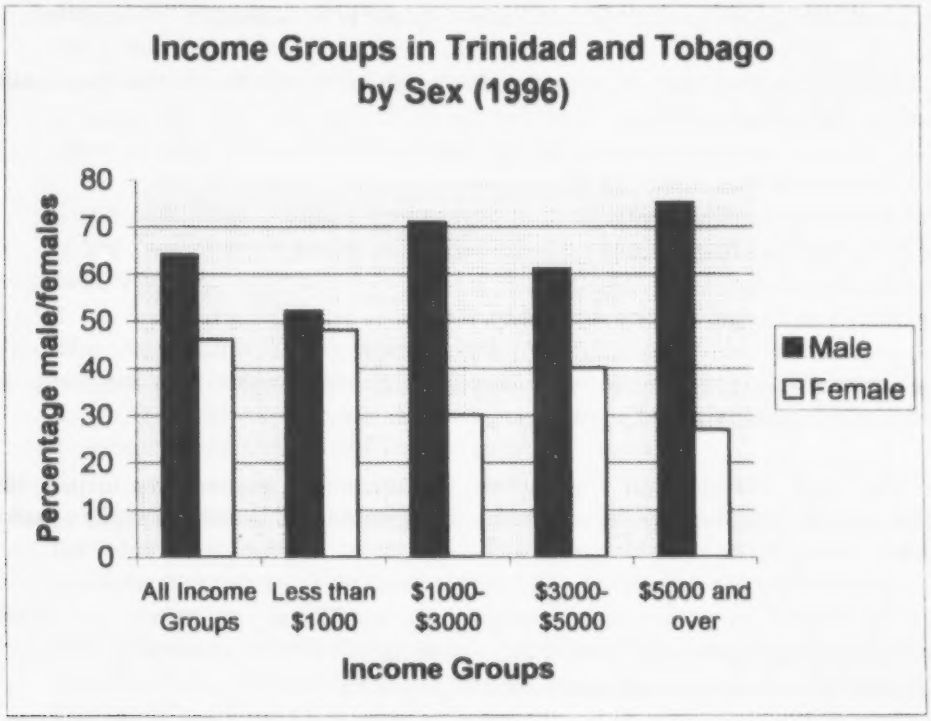
270. **Average Monthly Income by Sex, 1997-1999**

GENDER	YEAR		
	1997 (TT $)	1998 (TT $)	1999 (TT$)
MALE	2,056.20	2,336.51	2,342.47
FEMALE	1,690.87	1,819.05	1,913.87

271. **Female-Headed Households by Total Monthly Income, 1990**

Income Group (TT $)	Percentage of Households
Less than $500	37.0%
$1300-$1699	22.1%
$1700-$2499	11.6%
$2500-$2999	4.7%
$3000-$3999	7.4%
$4000-$4999	5.5%
$5000-$7999	1.9%
$8000 and over	1.3%
TOTAL – all income groups	100%

272. Employed women feature more heavily in the public service and at lower clerical and income levels. Female income is lower in every income group compared to that of men. The least disparity is at the lowest income level of less than TT $1000. Conversely the greatest wage differential is at the level TT $5000 and over.



273. The regulations which guide the operations of the Public Sector include the Public Service Regulations, the Civil Service Regulations, and the Police Service Regulations. A comprehensive review of these regulations is currently being undertaken by the Government to ensure that these regulations meet international standards of equality of opportunity with respect to the treatment of employees. One significant initiative taken by the Government in this regard is the introduction of equal opportunity legislation in

the form of the Equal Opportunity Act, No. 69 of 2000. The Equal Opportunity Act was recently enacted to *inter alia* prohibit discrimination in relation to employment, education, and the provision of goods and services. It also seeks to promote equality of opportunity between persons of different sex, colour, race, origin, religion, and marital status. This Act has jurisdiction over all employer-employee relations, and not just those within the public sector. The Act provides for the establishment of an Equal Opportunity Commission to *inter alia* receive, investigate and, as far as possible, conciliate allegations of discrimination. The Act also provides for the establishment of an Equal Opportunity Tribunal to act as a superior Court of record with power to hear and determine complaints referred to it by the Commission, and to make such declarations, orders and awards as it thinks fit. In addition, the Act makes provision for appeals from decisions of the Tribunal to the Court of Appeal on a point of law, and with leave, on a point of fact.

274. In 1970, Trinidad and Tobago ratified the Convention (No.111) on Discrimination (Employment and Occupation), which guarantees equality of opportunity and treatment in respect of employment and occupation with a view to eliminating discrimination.

275. The Ministry of Labour and Co-operatives has indicated that it has received no complaints of discrimination in respect of the workplace or in respect of employment.

276. The benefits available to persons employed in the Public Sector are outlined largely in the following legislation:

The Civil Service Act, Chap. 23:01
The Education Act, Chap. 39:01
The Police Service Act, Chap. 15:01
The Fire Service Act, Chap. 35:50
The Judicial and Legal Service Act, Chap. 6:01

This legislation makes provision for remuneration and benefits based on classification of occupation which apply equally to both sexes.

277. Terms and conditions of employment for unionised workers are usually those agreed to, through negotiations, by all workers concerned and generally apply equally to both sexes.

278. With respect to private sector employees, benefits are contained in collective agreements which are governed by Part IV, Ss. 43 to 50 of the Industrial Relations Act, although many private sector employees are not unionised.

279. The National Minimum Wages Order, 1998 which was adopted under the Minimum Wages Act, Chap. 88:04 ensures that both women and men are afforded a minimum level of remuneration. The Order provides for the establishment of a single economy-wide minimum wage of TT $7.00 per hour and minimum terms and conditions of service that cover all workers in Trinidad and Tobago. These terms and conditions concern inter alia, the length of the normal working day (not to exceed eight hours), meal

breaks (not to be less than three-quarters of one hour), and overtime rates which are provided in the Second Schedule to the Order. Under S.5 of the Order, overtime is defined as the time worked in excess of the eight hours, specified as the normal working day, as well as work on 'off' days, Sundays and public holidays. Part II, S.6 of the National Minimum Wage Order, 1998 provides that the national minimum wage and provisions relating to over-time in this Order shall be applicable to household assistants, shop assistants and security industry employees.

280. The 1990s have been marked by an increase in the number of women involved in the business sector. Women are currently entering business activities at a faster rate than men. This is perhaps due to the increased availability of training, information, and financial and marketing services to women in business, over the past five years. However, it is found that women are more likely to open micro-enterprises in highly traditional and competitive fields, with considerably lower rates of return.

281. In this regard, the following Governmental and non-Governmental financial initiatives have been taken to address the poverty of women and target the economic inequality between men and women in the country:

- The Small Business Development Company (S.B.D.C.) is a quasi-Governmental body that constitutes the main vehicle used by the Government to stimulate the micro and small enterprise sector. This is done through loans, training and other programmes. On average, 43% of S.B.D.C. loan guarantees are awarded to women, while 90% of S.B.D.C. training recipients are women.

- The Community Venture Programme is a community development project that offers continuous training to participants, of whom 80% are women (primarily rural women).

- The Agriculture Development Bank (A.D.B.) provides financial support to persons who are engaged in the agriculture industry. The Youth Widow Project of the A.D.B. provides grants and loans to young persons to establish agricultural enterprises, and assigns 50% of its portfolio to women.

- FundAid, which is a Government funded non-Governmental organisation provides loans to poor persons with limited collateral to assist in the development of micro-enterprises. Women constitute 60% of the organisation's clients.

- The Export Centres Programme specifically targets single female-headed households by refining the skills of community-based artisans and directing their fine crafts to the export market.

- To implement the "Mega Market '98 and '99 – Mega Market '98 which showcased the work of grassroots women entrepreneurs, middle income women entrepreneurs as well as small business women entrepreneurs in Trinidad and Tobago, was an initiative of the Business Connection International in

collaboration with the Gender Affairs Division of the Ministry of Culture and Gender Affairs. Out of Mega Market '98, the Caribbean Association of Women Entrepreneurs (C.A.W.E.) was formed. This subsequently spawned the creation of a business development center which was established by C.A.W.E. to provide time, energy, expertise and resources to women in business in order to facilitate their business needs. C.A.W.E. is a regional non-Governmental organisation aimed at the advancement of businesswomen in economic and social spheres. The above initiatives were funded by the Ministry of Culture and Gender Affairs and international organisations such as the United Nations Development Fund for Women (U.N.I.F.E.M.) and the Canadian Gender Equity Fund. Mega Mart '99 was implemented to sustain the initiative which received an overwhelming response.

- The Social Health and Rehabilitative Fund for Women (S.H.A.R.E.) Programme was initiated by the Government to distribute hampers to the most disadvantaged persons in society. Women constitute 90% of the recipients of this programme.

- In 1996 the Inter-American Development Loan assisted the establishment of the Community Development Fund. This initiative supports projects, advanced and executed by communities with the aim of developing and empowering disadvantaged persons. The Fund comprises two components: (1) an investment component to finance community infrastructure and social assistance programmes; and (2) a technical assistance component to finance the institutional strengthening of the Community Development Fund and other similar organisations. Monies from this Fund are made available to non-governmental organisations who then establish community development projects that can eventually sustain themselves and become profitable. Women do benefit from this initiative but the extent is not known.

- In 1997, through the Ministry of Social and Community Development, the Government created the Change Management Unit for Poverty Eradication and Equity Building. In 1998, a Civic Council on Social Equity was also formed, which comprised of members belonging to the private sector and to non-governmental organisations. These two agencies are currently working in partnership to harness resources to combat poverty and build equity, while providing an opportunity and forum for dialogue to poor communities. The partnership entails the adoption of a community by the public sector, with the aid of the Government. Often these communities engage in dialogue with the public sector for the provision of for example, school texts for the community's poor children.

- The Community Development Division of the Ministry of Social and Community Development conducts programmes geared toward the development of disadvantaged communities and individuals. The Community Action for Revival and Empowerment Programme (C.A.R.E.) is one of these programmes, which renders financial assistance and co-ordinates educational and skills training

programmes in this regard. The C.A.R.E. programmes specifically focus on training and skills development, cultural development, community development and on a gender-based project from which a significant number of women's non-governmental organisations benefit.

- The National Commission for Self-Help is also instrumental in dealing with poverty alleviation. Projects are identified on the basis of requests received from community groups and entail the provision of infrastructure and social facilities to communities throughout the country. This is done through the Commission's partial funding of material inputs and the contribution by the communities of labour inputs. Projects requested by poor communities can obtain funding from the Community Development Fund.

282. The special needs and concerns of women are integrated in the development of all employment policies, including legislation. The Maternity Protection Act, No. 4 of 1998 is one such example. However, there are no policies or programmes in place that specifically protect women in periods of recession, although job creation, social security and public allowance programmes are equally accessible to both men and women.

283. There is no available information on the existence of gender-specific job advertising, hiring practices, or customs that exclude women from holding certain jobs. Currently, laws that exclude women from holding certain jobs are contained in the Employment of Women (Night Work) Act, Chap. 88:12 and the Factories Ordinance, 1948. These laws have been addressed in paragraphs 91 and 92 under Article 2 of this periodic report. Recently, the Occupational Safety and Health (No.2) Bill, 1999 was recently introduced in Parliament to repeal the aforementioned Act and Ordinance.

284. There is no legislation that specifically provides protection for the right to equal pay for work of equal value. However in 1998, Trinidad and Tobago ratified the Convention (No.100) on Equal Remuneration for Men and Women Workers for Work of Equal Value. Further, the National Minimum Wage Order, 1998 makes no distinction between men and women.

285. Unequal remuneration for work of equal value does not exist between men and women employed in the Government Sector, nor are their conditions of work different. The remuneration for persons holding offices in the Government Sector is determined by classification of occupation. Therefore, all Government employed men and women, receive the same remuneration based on classification of offices held by individuals. The Government of the Republic of Trinidad and Tobago has recognised collective bargaining as a means designed to ensure equal remuneration across the board, that is for men and women, as well as within the classification principle. In so doing, the principle of equal remuneration is maintained for men and women workers, doing work of equal value.

286. The Counting of Unremunerated Work Act, No. 29 of 1996 was enacted by the Government to cause the Central Statistical Office and other public bodies to collect and

maintain statistics related to unremunerated work and to provide a mechanism for quantifying and recording the monetary value of such work. Households which have members who are 15 years and over will now be required to report on their participation in unremunerated work for the National Census which is conducted every 10 years. The analysis of the resulting data will allow policy makers to allocate resources more appropriately and efficiently.

287. At present, the methodology for evaluating the monetary value of unremunerated work has not yet been developed. However, information on the extent of unremunerated work was gathered through the 2000 National Census. The Central Statistical Office is currently awaiting resources to train relevant officers in this regard. The aim is to conduct surveys on remunerated work more frequently than the National Census, which is conducted once every ten years.

288. Currently in Trinidad and Tobago, there is no legislation prohibiting sexual harassment in the workplace. Please refer to paragraphs 156-159 under Article 5 of this periodic report for further information in this regard. Violent acts against women in the workplace are prohibited in the same manner as acts of violence against any person in any environment in the country. Legislation in this regard is contained in the Offences Against the Person Act, Chap. 11:08 (as amended) and in the Sexual Offences (Amendment) Act, No. 31 of 2000. Such acts of violence are prohibited by legislation and are not tolerated.

289. In respect of the safety, health and welfare of women in the workplace, the Government recently made efforts to introduce and enact the Occupational Safety and Health (No. 2) Bill, 1999 to repeal and replace the Employment of Women (Night Work) Act and the Factories Ordinance. Section 5 of the Employment of Women (Night Work) Act, Chap 88:12 makes the following provision:

> *It shall not be lawful, except as expressly provided in this Act, to employ women in night work in Trinidad and Tobago.*

Section 42 of the Factories Ordinance, Chap. 30 No. 2 provides:

> *No woman or young person shall be employed in a factory otherwise than in accordance with any regulations or orders which may be made by the Governor in Council under section 33 of this Ordinance, or any order made by the Governor under section 34 of this Ordinance.*

290. The Bill however, would not apply to domestic workers. In this regard, Clause 5 of the Occupational Safety and Health (No. 2) Bill states the following:

> *5. (1) Except as in this Act otherwise expressly provided, this Act shall apply only to industrial establishments.*

291. In respect of pregnancy, the Occupational Health and Safety (No. 2) Bill proposed to make the following provision:

6. (6) An employer shall, after being notified by a female employee that she is pregnant and upon production of a medical certificate to that effect, adapt the working conditions of the female employee to ensure that she is not –

(a) involved in the use of, or exposed to, chemicals, substances or anything dangerous to the health of the unborn child; or
(b) subjected to working conditions dangerous to the health of the unborn child,

and where appropriate, the employer may assign alternative work, where available, to her without prejudice to her right to return to her previous job.

Additionally, Clause 4 of the Bill proposed to provide that employers of industrial undertakings must provide sanitary conveniences separately for men and women, and that those provided for women must be appropriately equipped.

292. The Maternity Protection Act, No. 4 of 1998 was enacted in recognition of women's unique role and capacity as child-bearers. The aim of this legislation is to enhance equality for women where there exist intrinsic physical differences between the sexes. Section 7 of the Act therefore, ensures that a woman's terms and conditions of employment are not affected by pregnancy:

7. (1) Subject to this Act, an employee is entitled to-

(c) resume work after such leave on terms no less favourable than were enjoyed by her immediately prior to her leave.

293. Section 12 of the Maternity Protection Act ensures that women who are pregnant or on maternity leave are not subject to dismissal.

12. (1) Where an employee or employer alleges non compliance with the provisions of this Act, or an employee's employment is terminated on the ground of pregnancy or on any ground relating to pregnancy, or there is a difference of opinion as to the reasonableness or otherwise of any action taken or not taken by an employer or employee, trade union or the employer may report the matter to the Minister and the matter shall be dealt with as such under the Industrial Relations Act.

294. Accordingly, dismissal on the grounds of pregnancy is regarded as a contravention of the principles and practice of good industrial relations. In this regard, the Industrial Relations Act, Chap. 88:01 makes the following provision:

10 (4) ...in any dispute concerning dismissal of a worker, the Court can order the reinstatement or reemployment of such worker, subject to such conditions it thinks fit to impose, or the payment of compensation or damages, whether or not in lieu of such reemployment or reinstatement, or the payment of exemplary damages in lieu of such reemployment or reinstatement.

295. Subsection 5 thereof states that such a reinstatement or re-employment order can be made by the Court where it is of the opinion that the worker was dismissed in harsh and oppressive circumstances, or the dismissal was not effected in accordance with good industrial relations practice.

296. Subsection 6 further provides that the opinion of the Court as to whether a worker has been dismissed in harsh and oppressive circumstances, whether the dismissal was effected in accordance with good industrial relations practice or whether to award an order for compensation or damages including an assessment thereof, shall not be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatsoever.

297. The Maternity Protection Act provides for paid leave, but is only available to women. The Act does not provide for leave for both parents, although according to the Public Service Regulations made under the Constitution, Chap.1:01, a father is entitled to three days paternity leave. In the private sector, paternity leave is up to the discretion of the employer. However, while there is no national provision for paid leave, provisions regarding paid leave in relation to vacation are contained in individual collective agreements for the private sector and in the various pieces of legislation which cover remuneration for the public sector. Leave entitlement of public officers is strictly based on salary range and the number of years the officer has served in the service.

298. Section 7(4) of the Maternity Protection Act provides that pregnant employees, upon receiving advice from a registered medical practitioner or a person registered under the Nurses and Midwives Registration Act, Chap. 29:53 to attend any place for the purpose of receiving prenatal medical care shall "have the right not to be unreasonably refused time off during her working hours to enable her to keep the appointment." Section 7(5) provides that in respect of such time off, a woman "shall be entitled to receive pay from her employer for the period of absence."

299. Section 21 of the Maternity Protection Act provides "the period of maternity leave shall be included in the computation of an employee's pension or other terminal benefits." Prior to the enactment of this legislation, maternity leave of public service employees was not included in their pension upon retirement.

300. While the Maternity Protection Act provides protection to women against discrimination on the basis of pregnancy, the Act does not cover women employed in Parliament.

301. To date no studies have been undertaken to determine the effectiveness of the provisions under the Maternity Protection Act, No. 4 of 1998.

302. Currently, there are no available programmes specifically implemented to facilitate the reintegration of women into the workforce after absence due to family responsibilities.

303. While the State does not provide childcare facilities for all working mothers, State agencies and the wider community have designed and implemented Homework Centres and After School Clubs, including improved child care facilities. The Family Services Division and the Social Welfare Division of the Ministry of Social and Community Development do provide support to poor parents in respect of child care, and subventions are granted to community based organisations and non-governmental organisations to assist in this regard. This is aimed at improving women's access to participation in productive employment. In addition, Servol, a non governmental organisation, operates (with communities in Trinidad and Tobago) 160 early childhood centers which cater for the 2-5 age group and which target lower income families. The government provides financial assistance to Servol.

304. While there are no legislative provisions protecting the job security of women in the event of change in her marital status, in practice the marital status of a woman does not affect her job security.

305. The most recent initiative being undertaken by the Ministry of Labour and Co-operatives on behalf of the Government is the introduction of the Basic Conditions of Work Bill, 2000, which proposes to make provision in respect of the following:

- regulation of employment (i.e. prohibition of discrimination in respect of hiring, firing and other terms and conditions of work);
- regulation of working time (i.e. hours of work, overtime, holidays, meal intervals, night work, etc.);
- regulation of paid leave (i.e. annual leave, sick leave, maternity leave, family responsibilities, etc.);
- regulation of particulars of employment and remuneration (i.e. informing employees of their rights, keeping of records, payment of remuneration, deductions, etc.);
- regulation of termination of employment (i.e. notice of termination, payment upon termination, severence pay, certificate of service, retirement and payment of gratuity, etc.);
- prohibition of employment of children and forced labour (i.e. medical examinations, prohibitions, evidence of age, etc.);
- disability protection;
- protection against discrimination on the basis of H.I.V. infection or A.I.D.S. (including confidentiality);
- prohibition of sexual harassment (including procedure for settling sexual harassment complaints);
- regulation of Agency Employment; and
- administration of the Act (i.e. establishment of the Basic Conditions of Work Commission and Basic Conditions of Work Orders, etc.).

306. The Bill has been laid in Parliament but has not yet been enacted. If enacted, this legislation will constitute one of the most progressive pieces of legislation aimed at the protection of the human rights of all employees in Trinidad and Tobago, including:

- the right to work;
- the right to the same employment opportunities;
- the right to all benefits and conditions of service;
- the right to equal remuneration, including benefits;
- the right to social security in the areas of retirement, sickness, invalidity and other incapacity to work; and
- the right to paid leave.

It must be noted that this Bill proposes to prohibit all discrimination on the basis of gender and will apply equally to men and women, including domestic employees.

Article 12

307. The right to health is recognised through the Public Health Ordinance of 1917 (as amended). This Ordinance provides for *inter alia*:

- the upkeep of streets;
- the construction of buildings according to their respective regulations;
- the Local Authority to provide scavenging and cleansing, including the disposal of refuse;
- the prohibition of nuisances deemed harmful or deemed as a threat to health;
- the maintenance of standards in the sale of milk;
- the inspection and destruction of unsound food intended for human consumption;
- the prohibition of the pollution of water supplies;
- the upkeep of sufficiently safe water supplies in all public buildings;
- the dealing with infectious diseases;
- the up-keep of conditions when operating bakehouses (which are defined as any place in which are commonly baked, or exposed or offered for sale, or deposited for the purpose of sale or of preparation for sale or have been recently sold for human consumption, bread, biscuits, cakes, or confectionery, in the baking or selling of which a trade is carried on);
- the healthy operation of hotels, restaurants, shops where food is sold by retail and hucksters, factories, workshops, barbers' and similar shops, slaughter houses; and
- the maintenance of conditions in the sale of fresh meat in proclaimed areas.

308. Health care in Trinidad and Tobago is provided through the public sector, as wel as through private institutions.

309. In the early 1980s, health care services in Trinidad and Tobago were predominantly provided by the Government through the Ministry of Health. This Ministry is responsible for the maintenance of health care systems, and has traditionally been organized on two levels. The central level or head office is where policies, projects and programmes are formulated, and the operational level is comprised of a mix of

primary, secondary and tertiary level institutions. The General Hospitals of Port-of-Spain and San Fernando predominantly provide secondary and tertiary care, while four districts and three specialised hospitals provide secondary care.

310. In 1994, the Regional Health Authorities Act, No. 5 of 1994 was enacted by the Government to provide for the establishment of Regional Health Authorities whose powers and functions are set out in S.6 as follows:

(a) to provide efficient systems for the delivery of health care;
(b) to collaborate with the University of the West Indies and any other recognised institution, in the education and training of persons and in research in medicine, nursing, dentistry, pharmacy and bio-medical and health science fields, veterinary medicine as well as any related ancillary and supportive fields;
(c) to collaborate with and advise municipalities on matters of public health;
(d) to operate, construct, equip, furnish, maintain, manage, secure and repair all its property;
(e) to facilitate new systems of health care;
(f) to provide for the use of health care facilities for service, teaching and research;
(g) to establish and develop relationships with national, regional and international bodies engaged in similar or ancillary pursuits; and
(h) to do all such things as are incidental or conducive to the attainment of the objects of the Authority.

Health Care as defined by this Act includes dental care and optical care.

311. The Regional Health Authorities Act, No. 5 of 1994 in its First Schedule establishes five Regional Health Authorities, and assigns to them, municipalities for which they must provide health care. The Third Schedule under this Act demonstrates the type and the number of health care facilities that are placed as a result of this Act, under the various Regional Health Authorities. These are summarised as follows:

Regional Health Authority	# of Municipalities Responsible For	# of Health Centres	# of Hospitals	# of Hospital & Health Centres	# of Extended Care Units	Other
North-West	3	18	2	-	-	-
Central	4	20	1	2	-	1
South-West	5	31	1	1	1	-
Eastern	2	16	2	-	1	-
Tobago	Island of Tobago	16	1	-	-	-

312. **Distribution of Public Sector Health Facilities by Rural/Urban Area**

AREA TYPE	# OF HOSPITALS	# OF DISTRICT HEALTH FACILITIES	# OF HEALTH CENTRES
Urban	5	2	11
Rural	4	3	93
Total	9	6	104

313. There is a Mental Health Act, Chap. 28:02 that regulates the admission, care and treatment of persons who are mentally ill. Under S.2(1) of this Act, a 'mentally ill person' is a person who is suffering from such a disorder of mind that he or she requires care, supervision, treatment and control, or any of them, for his or her own protection or welfare or for the protection or welfare of others.

314. There is free health care available at hospitals in Port-of-Spain, San Fernando, Mount Hope and Scarborough, several district hospitals and a network of community health centres. Antenatal care is provided in public health institutions to ensure that pregnancies will result in well, live babies. Food, iron supplementation and multivitamins are provided to pregnant women and children free of charge.

315. The average cost of a visit to a specialist physician is not less than TT $200. In the past, the average cost of a visit to a general physician was TT $60, but in recent times, the cost range has increased to be between TT $60 and TT $100.

316. According to 1993 statistics, there were approximately 980 practicing doctors in Trinidad and Tobago, of whom approximately 150 were non-nationals practicing as junior doctors on short term contracts. The doctor to population ratio at that time was approximately 1 per 1,200 persons of the total population.

317. There is in the University of the West Indies, a school of medicine with an annual graduate rate of 80 students.

318. Gender sensitive training programmes have been conducted for psychiatric health personnel as well as general health personnel in some of the health institutions. Gender sensitivity is also considered in the preparation of architectural designs and programme planning for new services.

319. The Beijing Platform for Action, together with the Pan American Health Organisation/World Health Organisation (P.A.H.O./W.H.O.) recognise health to be a state of complete physical, mental and social well being, and not merely the absence of diseases and infirmity. A woman's right to the enjoyment of health throughout her entire life cycle therefore, constitutes a basic human right. Such right is integral with the right to freedom from poverty and economic dependency, gender-based violence and other forms of power over the sexual and reproduction life. Inequitable distribution of food, poor sanitation, deficient housing, and limited access to information also contribute to poor health. Trinidad and Tobago has signed the World Health Organisation Declaration of Alma-Ata, thereby committing the country to the goal of health for all by the year 2000. This is to be achieved through the adoption of an extensive primary health care strategy.

320. The Tobago health system is structured in the same way as Trinidad and is undergoing the same reforms.

321. Until very recently, women's health issues were addressed primarily in terms of reproduction and children with an emphasis on women in their reproductive years, aged 18 through 44 years. Accordingly, women's primary physicians comprised mainly obstetricians and gynaecologists.

322. In Trinidad and Tobago, statistics reveal that the majority of female-headed households are of low-income. In fact, 54.8% of female household heads receive an income of less than TT $500 monthly, while 31.7% live below the absolute poverty line. According to the survey on living conditions, poverty is more prevalent among households whose head is female, whose level of educational attainment is low and who live in rural areas. Low-income families, due to the complexities of their situation, often have limited access to heath services.

323. Statistics reveal that female life expectancy is higher than that of men, although this does not necessarily infer that women enjoy better health. The reality is that superior longevity often masks women's real health concerns. While women tend to live longer, visit health services more often and experience more hospitalisation, they are also more likely than men to experience depression and chronic disabilities. The 1995 National Health Survey reported that men (41.8%) were more likely than women (31.4%) to rate their health as excellent or very good.

324. **Fertility, Mortality and Other Rates, 1995-1997**

FERTILITY RATES	1995	1996	1997
Crude Birth Rate (# of births per 1000 of population)	15.3	14.2	14.5
General Fertility Rate (# of live births per 1000 women of child-bearing age)	56.3	52.0	52.2
Gross Reproduction Rate (# of females born to a woman throughout her reproductive years)	0.9	0.8	0.8
Child Woman Ratio (# of children aged 1-4 years per 1000 women of child-bearing age)	298	277	262

MORTALITY RATES	1995	1996	1997
Crude Death Rate (# of deaths per 1000 of population)	7.2	7.4	7.2
Infant Mortality Rate (# of infant deaths under 1 year of age per 1000 live births)	17.1*	16.2	17.1
Post Neo-natal Mortality Rate (# of infant deaths aged 1 month to 12 months per 1000 live births)	3.3	4.0	4.0
Neo-natal Mortality Rate (# of infant deaths aged under 1 month per 1000 live births)	13.9	12.2	13.1
Prenatal Mortality Rate (# of still births per 1000 births)	24.5	23.5	22.4
Maternal Mortality Rate (# of deaths of women due to complications of pregnancy and childbirth per 100,000 live births)	67.5	38.9	70.4

OTHER RATES	1995	1996	1997
Sex Ratio (# of males per 100 females)	101	101	100
Dependency Ratio (# of persons under 15 years of age and those aged 65 years and over per 1000 of population)	541.8	519.9	502.4
Crude Marriage Rate (# of marriages per 1000 mid-year population)	5.3	5.6	5.8
Crude Divorce Rate (# of divorces per 1000 mid-year population)	0.8	1.2	1.0

325. **Maternal Mortality, Infant Mortality and General Fertility Rates, 1991-1994**

YEAR	MATERNAL MORTALITY	INFANT MORTALITY	GENERAL FERTILITY
1991	49.18	11.0	73.49
1992	60.70	10.5	74.00
1993	66.40	12.2	64.10
1994	76.20	13.8	59.30

326. In Trinidad and Tobago, the Infant Mortality rate for 1998 was 15.6 per thousand live births, and the average annual rate of population growth in 1998 was 0.6%. The infant mortality rate in 1997 was 16.2 per thousand live births, and the average rate of population growth in 1997 was 0.9%. Common childhood disorders that result in high infant mortality, such as diarrhoea, are treated efficiently and effectively at all Government health institutions. Data on Infant Mortality is not available in respect of the urban/rural division or socio-economic status.

327. Chronic, non-communicable conditions are responsible for impairing the status of women's health in the country by contributing to 60% of women's disability cases in the 65 years and over age group. Hypertension diagnosed by a doctor and self-reported diabetes were reported by 28.1% and 12.6% of women aged 35 years and over, respectively. Medically diagnosed hypertension was reported by 50% of women who were aged 65 years and over (1992).

328. The major cause of death for women is circulatory disease. Diabetes mortality rates have increased over the past two decades and the disease is now the second highest cause of death for women. Cancer, especially of the breast and cervix uteri, is the leading cause of death in women under the age of 65 years. While cervical cancer rates have been declining, breast cancer mortality rates have been increasing, from 17.6 death per 100,000 women in 1990 to 19.5 deaths in 1994. 'External causes' was the major contributor to mortality among young women aged 15 through 24 years. These accounted for 32.9% of female deaths, of which 67.8% were attributable to homicides and suicides.

Female Deaths from Selected Causes as a proportion of total female deaths in that Age Group (%), 1990

CAUSE OF DEATH	AGE			
	15-24 years	25-44 years	45-64 years	65+years
Complications with pregnancy & childbirth	3.3	2.2	0.1	-
A.I.D.S.	18.9	24.4	3.0	1.3
Circulatory Diseases	10.0	19.5	38.7	61.2
Diabetes	2.2	4.6	21.2	10.7
Cancer	6.6	19.1	20.5	11.8
External Causes	32.9	13.2	2.2	-

329. Strategies are required to target and reduce health risk factors such as obesity and poor nutrition among women. At the same time, more extensive coverage of screening programmes for chronic diseases at primary health care facilities should be introduced. Means must be found to empower women and encourage them to seek early screening and treatment for chronic disease, and also provide them with the resources necessary to retain control over their health status.

330. The national health policy in Trinidad and Tobago has adopted the World Health Organisation's (W.H.O.) primary health care approach. All Regional Health Authorities have primary health care as their main strategy and budgetary priority. Health Centres have been refurbished and plans are in place for additional facilities. Staff training in this area is ongoing.

331. The following indicates the total primary health care expenditure as a percentage of the total health expenditure:

	1987 (TT$)	1992 (TT$)	1997 (TT$)
Primary Health Care Expenditure	38,956,118.00	45,082,166.00	72,200,000.00
Total Health Expenditure	539,175,644.00	544,646,567.00	663,218,305.00
Percentage spent on Primary Health Care	7.23	8.28	10.89

332. Every pregnant woman, irrespective of age, colour, ethnicity and religion has universal access to antenatal (pre-natal) and family planning services at the Port of Spain, Sangre Grande, Scarborough and Point Fortin Hospitals, three district health facilities and most of the 104 health centres.

333. Measures taken to combat stillbirth and infant mortality include the following:

(i) Antenatal care at health centres and hospitals, which includes:

- the promotion of the practice, among women, of early attendance at Antenatal clinics i.e. attending clinics within the first twelve weeks of pregnancy. Ante-natal care is available at all health centres and hospitals throughout the country;
- early diagnosis and management of complications including secondary care referral;
- nutrition counselling; and
- the provision of well-trained health professionals.

(ii) Inter-natal care at some hospitals. This involves:

- the provision of appropriate technology i.e. neonatology units, ultra sonography, etc.;
- fetal monitoring; and
- the provision of well-trained nursing and medical staff.

334. Over 50% of pregnant women attend free prenatal clinics that are provided in health centres throughout the country. Almost all births occur in the presence of trained medical practitioners in hospitals or clinics. In 1997, 87.7% of births occurred in Government hospitals and maternity units. Midwives were present in 87.6% of all births, while 11.4% were attended by doctors.

335. There are no dietary restrictions for pregnant women. However, attempts are made to educate pregnant women on healthy eating habits and in some instances where cases of poverty are extreme, the women are referred to social workers for assistance.

336. There is no evidence to show that the problems of preference for male children and female circumcision exist in Trinidad and Tobago.

337. The age-specific fertility rate for the age group 15-19 years fell from 61.0% in 1990, to 45.9% in 1994. However, births to teenage mothers increased from 13.5% of all live and stillbirths in 1994, to approximately 14% in 2000. Births to women below the age of 20 years have increased as a proportion of total births to 14.5%, due to the slower pace at which fertility has declined among younger age groups. Approximately 50% of women are likely to have their first child below the age of 20 years, an event which has been found to be strongly influenced by educational status. The medium age for girls in respect of their first sexual experience is 15 years.

338. The Government of Trinidad and Tobago has recognised that childbearing in the teenage years represents an obstacle to sustainable development as it seriously compromises the young mothers' educational, economic and personal development and also jeopardises their children's full life potential. Further, teenage motherhood can also reinforce intergenerational poverty. Cognisant of this, the Ministry of Social and Community Development commissioned a study in 1995 entitled 'Needs Assessment of Pregnant Teenagers and Young Mothers.' As a follow-up to the study, the Ministry has engaged in ongoing collaboration with non-governmental organisations to implement programmes that address issues related to teenage pregnancy. The following programmes are proposed for implementation during the coming year:

- The production of a video entitled 'Your Life, Your Choice – Teenage Pregnancy and Making the Right Choices.' Currently, the video documentary has been submitted to the Ministry for review. Upon approval, production will commence.

- The involvement of communities in the development of programmes that cater to their needs. This will also be used to gather information on community views with respect to issues related to adolescents.

- A project entitled 'Community Mothers' will be introduced to provide care for the children of single and low income mothers, while allowing the latter to seek employment or participate in other developmental programmes.

339. The Ministry of Social and Community Development has also provided financial assistance, while the Ministry of Health has provided technical and management support to the Choices, Happiness, Organisation, Ideals, Communication, Education and Self-Awareness (C.H.O.I.C.E.S.) Programme of the Child Welfare League. This project specifically targets young mothers, pregnant teenagers, teenagers at risk, their infants and their families, and provides preventative, remedial and developmental services through the establishment of community intervention centres. To date, this project has successfully established three centres. The Centres provide a safe haven for teenagers, where they can benefit from individual and group counselling and an environment that facilitates change and development. Young mothers are referred to the programme during pregnancy or after the birth of their children by social workers, health workers, community-policing officers, welfare officers, teachers and peers. The programme varies in duration from nine months through two years, depending on the age of the teenager at the time of referral and the anticipated programme outcome for each adolescent based on

identified needs. The developmental work offered at the Centres include: basic academics, family life education and vocational skills training. The project has been highly successful in deterring teenage pregnancies, particularly through its outreach counselling sessions which are held in schools and in communities. Over the past three years, the project has positively affected over 1000 persons through its interventions.

340. For the most part, services targeting women have focused on the reproductive health care. As a result, these services are well developed and coverage is extensive. Recent initiatives include a programme of drug treatment for H.I.V./A.I.D.S. infected mothers and an Integrated Ante-Natal Outreach Clinic Programme in the mainly rural South West Region, which is aimed at increasing accessibility of specialist care to high risk mothers.

341. The Population Policy for Trinidad and Tobago provides a framework for a national policy on family planning. Within this framework, the Ministry of Health is committed to providing accessible reproductive health care services while ensuring absolute freedom of choice. Government-operated family planning clinics are available at health centres to provide family planning counselling and supplies to clients during clinic hours. These services are supplemented by the work of the Family Planning Association of Trinidad and Tobago (F.P.A.T.T.) which, in addition to its clinics, conducts an Outreach Programme for poor, rural women.

342. The Research Unit of the Ministry of Social and Community Development is mandated by the Government to develop the policy framework for the provision of information and support related to pregnancy. The Ministry also conducts family life counselling and family life crisis intervention.

343. The Family Planning Association of Trinidad and Tobago (F.P.A.T.T.) is a non-governmental organisation with offices located in Port of Spain, San Fernando, and Scarborough (Tobago). The Association provides *inter alia* contraceptive services, voluntary sterilisation, infertility examinations, family life education programmes, peer counselling training, health care for corporations, gynaecological services and pregnancy tests. The aim of these services is the prevention of unplanned pregnancies through expanded and improved family planning services. These services are offered to the public at reduced rates, with even further reduced rates for members of the public who choose to become members of the Association at an annual fee. In 1994, the F.P.A.T.T. conducted 146 educational programmes for 3,211 women and 639 men. These programmes included modules and discussions on contraceptive options, as well as counselling and individual assessment to select the most appropriate contraceptive method for each person. In 1999, nearly 4000 persons in 13 communities received information and services in respect of reproductive health and family planning through the organisation's outreach programme entitled 'F.P.A.T.T. Express.'

344. The Community Health Education Programme of the Ministry of Health targets the general public, including adolescents and women, while free family planning and

counselling regarding contraceptives is provided at the Health Centres throughout Trinidad and Tobago.

345. The F.P.A.T.T. has also sought to identify and address the specific needs of adolescents and implement specific and appropriate educational programmes on sexual and reproductive health issues, including sexually transmitted diseases. One example includes the provision of relevant information to young persons through the National Youth Project Peer Helper Training Programme, to which 6,274 young people were exposed.

346. Condoms are available for purchase at a reasonable cost at all pharmacies. They are kept behind the counter, thereby causing the consumer to ask the cashier for them. According to a Family Planning Association (F.P.A.T.T.) Report, published in 2000:

> *The condom is not a self-service item. There are no vending machines or other known commercial outlets for the condom apart from the pharmacies. The Pill and Intra-Uterine Devices (IUDs) are available to clients only from the druggist on prescription and then to the cashier.*

This is the case in respect of Trinidad and in respect of Tobago. The report indicates that with regards to Tobago, I.U.D.s are rarely used by young persons who are not in established relationships.

347. Consequently, in practice the necessity to request condoms from pharmacy staff can inhibit persons from buying them, as they may feel embarrassed to do so. In respect of young persons in Tobago, the F.P.A.T.T. states:

> *In a small society such as Tobago, they [young persons] may fear that staff will report their purchase to others such as parents. The fear of discovery may be especially strong for girls. They face stronger social sanctions than boys if they are found to be having sex at an early age outside of marriage. Such factors are among the explanations for low levels of condom use by young people.*

348. There are two S.T.I. (Sexually Transmitted Infection) clinics in Tobago, which are served by a dermatologist/venerealogist. Both clinics provide education and limited counselling, and distribute condoms when they are in supply.

349. In addition, free condoms and contraceptive pills are available at Government post-natal and family planning clinics. Women however, are counselled and examined prior to being issued with contraceptives, and information literature is also distributed. The F.P.A.T.T. also provides free contraceptives upon appropriate counselling.

350. The Government has identified a need for special focus on the reproductive health of young women under 24 years. The Ministry of Education is on the verge of implementing a Health and Family Life Education Programme to target school-aged girls. Those already out of school and therefore harder to reach, need to be specially targeted,

perhaps through the use of the media, for interventions designed to reduce fertility, unsafe sexual practices and violence.

351. In Trinidad and Tobago, the procurement of a miscarriage is prohibited under Ss. 56 and 57 of the Offences Against the Person Act, Chap. 11:08:

> *56. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and any person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, is liable to imprisonment for four years.*
>
> *57. Any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child, is liable to imprisonment for two years.*

In practice, medical practitioners can terminate a pregnancy prematurely on certain medical grounds. For example, where the mother has contracted Rubella during her pregnancy. In other cases, it is possible to make an application to the Court for an order to terminate a pregnancy. The general policy of the Ministry of Health in this regard however, is that abortion may be allowed only in the case where the life of the monther is endangered.

352. **Number of Abortions at Public Sector Health Facilities, 1994**

TYPE OF ABORTION	NUMBER
Spontaneous Abortion	23
Legally Induced Abortion	4
Illegally Induced Abortion	12
Other Abortions*	4,226
Total	4,265

* unspecified incomplete abortions, including induced abortions
Note: Data does not reflect abortions in the private sector, which is unavailable.

353. Abortion is not actively promoted by any agency as a form of birth control, but is allegedly a practice in at least one of the country's hospitals. According to one hospital, the dilation and curettage procedure for the evacuation of retained products of conception was performed 1,177 times in 1999 and 615 times over the period June through September 2000. These figures however, are not disaggregated in respect of whether the procedure was a consequence of an unplanned miscarriage, following the delivery of a child, or as a consequence of a woman's attempt to abort her fetus.

354. Illegal abortions have been recognised by the Government to affect maternal mobility and mortality rates of women. Such abortions are fragmented with fear, pain,

substantial risk of infection, haemorrhage and in some cases, death. State and private agencies have taken initiatives to provide information, support and counselling aimed at reducing the incidence of illegal abortions, of which the extent is unknown.

355. **Number of Female Patients Treated at Public Sector Health Facilities for Alcohol and Drug Dependency and Nondependent Abuse of Drugs, 1994**

DIAGNOSIS	NUMBER OF FEMALE PATIENTS
ALCOHOL DEPENDENCE SYNDROME (acute drunkenness and chronic alcoholism)	38
DRUG DEPENDENCE (compulsion to take a drug on a continuous or periodic basis)	10
NONDEPENDENT ABUSE OF DRUGS (the use of a drug on own initiative to the detriment of health i.e. smoking)	247
TOTAL	295

356. In 1998, the Gender Affairs Division hosted a three-day Women's Health, Stress and Addiction Conference. The general objectives of the Conference included -

- the identification of the current situation of women's health;
- the fostering of a close working relationship between all health care givers (traditional and non-traditional) to improve the situation of women's health;
- the discussion of the actual 'cut off' point to discuss the actual state of women's health; and
- the identification of concrete strategies to gender sensitise the health agenda in Trinidad and Tobago.

Approximately 150 participants attended the three-day conference. Participants included health personnel, practitioners, service givers, the media, non-governmental organisations and community based organisations. Nominated participants from the latter organisations were charged with the responsibility of disseminating information to women, as well as to men in the community. Relevant brochures and booklets with information on women's health were prepared by the Gender Affairs Division and distributed to participants at the Conference.

357. Drug abuse has been identified as a serious problem in Trinidad and Tobago. In 1988, a school survey revealed that 8% of students used marijuana and 2% used cocaine.

358. There is in Trinidad and Tobago, a National Alcohol and Drug Abuse Prevention Unit within the Ministry of Social and Community Development, which provides various programmes that target both men and women. Unfortunately, not many women avail themselves the facilities because they conflict with domestic commitments.

359. Pursuant to its educational initiative, this Unit conducts frequent visits and lectures to primary and secondary schools located throughout the country. The lectures are designed to inform and educate students on the various types of licit and illicit drugs,

as well as on the use, abuse and effects of drugs. The lectures give students the opportunity to ask questions with respect to drugs and its effects.

360. The National Alcohol and Drug Abuse Prevention Unit also visits various Ministries on special events and occasions and sets up information booths. These booths serve to inform the wider public as to the types and effects of drugs and drug abuse. Some events for this purpose have included sports and family days, National Family Day and a sports youth meeting which was held in May 2000.

361. The National Alcohol and Drug Abuse Prevention Unit also visits communities and lectures community groups. In addition, the Unit also coordinates the development of community action groups, which are established to educate community members about the particular effects of various drugs.

362. Under a recently completed project entitled "Drug Reduction Phase II Initiative", which was funded by the Government of Trinidad and Tobago in conjunction with the United Nations Drug Control Programme and the European Union, 5 Information Resource Centres were established throughout the country to inform the general public on drugs and any other related matters. Through these centres, the general public can research any matter connected with drugs through books, posters and brochures. The Information Resource Centres are:-

- Laventille Community Centre, Laventille,
- Pachier Community Centre, Point Fortin,
- Calder Hall, Tobago,
- Toco Community Centre, Toco
- Couva South Constituency Office, Couva, and
- Cedros Community Centre, Cedros.

363. The National Alcohol and Drug Abuse Prevention Unit also has a documentation centre which is located at the Unit's head office. This centre is open to the general public, and is a valuable source of information for personnel employed in rehabilitation and treatment centres, as well as for educators.

364. Other activities of the National Alcohol and Drug Abuse Prevention Unit include the establishment of an integrated school drug programme which will be phased in as part of the national school curriculum. The purpose of the programme will be to stress a healthy, drug free lifestyle as well as promote positive values and skills development. The National Alcohol and Drug Abuse Unit also coordinates workshops with principals and teachers of primary and secondary schools to integrate drugs and drug use education in the overall teaching methods. To this end, the National Alcohol and Drug Abuse Prevention Unit conducts video presentations and workshops that suggest alternative teaching methods with particular regard to the topic of drugs, to their students.

365. The National Alcohol and Drug Abuse Prevention Unit is also involved in promoting continuous education for community members. In this regard, the National

Alcohol and Drug Abuse Prevention Unit and educational institutions such as the National Institute of Higher Education, Research, Science and Technology (N.I.H.E.R.S.T.) and the Caribbean Institute of Alcohol and Other Drugs (C.A.R.I.A.D.) offer courses on drugs and related matters for community members. Funding is available from the Ministry of Social and Community Development, which on occasion partially sponsors students to enroll in these programmes. C.A.R.I.A.D. in collaboration with the University of the West Indies and the Addiction Research Foundation of Canada, conducts a two-week intensive course which is made available once a year. This course was originally conducted in St. Thomas, B.V.I. but is now conducted in Tobago.

366. In an effort to encourage quality care and treatment, and create an acceptable standard with respect to the physical environment, the National Alcohol and Drug Abuse Prevention Unit reviews and inspects drug rehabilitation centres. In this regard, the Unit maintains minimum criteria that management and staff must adhere to with respect to the treatment of addicts. The National Alcohol and Drug Abuse Prevention Unit also coordinates regular meetings with management and staff of the various drug rehabilitation centres in Trinidad and Tobago. These meetings are held as regularly as possible, the most recent was held in October 2000. Additionally, the National Alcohol and Drug Abuse Prevention Unit initiates workshops for the staff of the various rehabilitation centres. At these workshops, professionals in the field of rehabilitation and treatment are invited to lecture and inform the staff. In the most recent workshop, an international consultant was invited to speak on the topic of relapse prevention.

367. Currently, there are three substance abuse rehabilitation centres which offer services to women suffering from substance abuse and/or addiction.

368. Serenity Place was established for women in 1995, and can accommodate a maximum of 12 clients at any one time. The centre provides clothing and food and is run by a Board of Directors. Funding is received from various charity organisations, members of the public, and from those women who can afford to pay for their services. For a woman who can afford to pay for the programme a fee ranging from TT $350 to $500 is charged, depending on the length of stay of the woman in the programme. If a woman is unable to afford the programme, she can access it free of charge. The programme lasts 2 years and is divided into stages, depending on the extent of the woman's dependency. This period can be extended up to 1 year until the woman feels confident to return to her home. Counselling is provided in the following areas: detoxification, dealing with substance abuse/addiction, spirituality, physical fitness and wellbeing, one-on-one counselling.

369. New Life Ministries is an institution which provides accommodation (including food and clothing) and counselling services for women suffering from drug abuse/addiction. This institution accommodates both men and women, but they are housed in separate quarters. Enrolment is on-going, but clients are obligated to spend a minimum of 3 months in the house. The entire programme is 12 months, and is aimed at developing and reassuring the person's self-esteem. It begins with detoxification, self-

assessment and reintroduction into society. Educational and experiential services are also offered. Educational workshops include *inter alia*:

- assertiveness and relaxation;
- human sexuality;
- motivation and self-esteem;
- drugs and the law;
- gender issues;
- dealing with and helping children of a drug abuser/addict; and
- causes and effects of drug addiction.

Experiential programmes include *inter alia*:

- individual therapy;
- enrolment in Narcotics Anonymous;
- sports/field trips;
- recreational activities;
- survival skills training;
- visits with families of addicts;
- counselling for families of addicts; and
- intake workshops.

370. The Caura Hospital offers free counselling and rehabilitation services to women who are suffering from substance abuse or addiction. The rehabilitation programme is funded by the Government of Trinidad and Tobago and is available to both men and women who are accommodated at the hospital in separate quarters. The Caura Hospital is presently capable of accommodating only 2 women, in contrast to 12 men. This is because the women's accommodations are separate and enclosed as opposed to the men's quarters which are open. There are 15 members of staff, including a doctor and social worker, who are trained in substance abuse. The hospital also provides food, clothing, and hospital linen, if necessary. The rehabilitation programme runs from 4 to 6 weeks and provides individual counselling and occupational therapy consisting of gardening, arts and crafts and group sessions. Following the 6 week period, recovering addicts return home but must visit the clinic every week for follow-up assessments. As the addict progresses, his or her visits are spaced further apart, but altogether these assessments span over a period of two years.

Number of Discharges of Female Patients from Caura Hospital by Principal Diagnosis, 1993-1998

PRINCIPAL DIAGNOSIS	1993	1994	1995	1996	1997	1998
Manic-depressive psychosis	-	-	-	-	-	-
Alcohol dependence	3	4	4	6	7	2
Barbiturate type	-	1	1	-	-	-
Cocaine dependence	8	5	8	2	8	10
Marijuana dependence	-	1	-	3	-	-
Cocaine, Marijuana and alcohol dependence	6	2	1	4	2	-
Alcohol and Marijuana dependence	-	-	-	2	-	-
Cocaine and Marijuana dependence	4	-	-	-	1	1
Cocaine and Alcohol dependence	1	-	-	1	-	-
Other drug dependence	-	-	.-	-	-	1
All diagnoses	22	13	14	18	18	14

371. Families in Action is a non-profit, non-governmental organisation dedicated to the upliftment and healing of families and individuals who are affected with drug addiction and social abuse, through counselling and group support. The organisation gives effect to its mandate through a variety of programmes. These include:

- support group sessions for recovering addicts and their families;
- peer counselling workshops;
- parenting programmes;
- counselling through a 24 hour hot line and a drop-in centre;
- outreach education in schools, community groups and agencies;
- short-term assessment and referral services;
- training programmes;
- support group sessions for women in an effort to enhance their self-esteem and maturity;
- summer camps for young persons; and
- outreach support and counselling programme for inmates in an effort to provide rehabilitation.

372. The incidence of H.I.V./A.I.D.S. among women aged 15 through 19 years doubled between 1989 and 1990. In 1997, women accounted for 45% of all new cases and 33.7% of deaths from A.I.D.S. Men and women in the 15 to 24 years age group accounted for 50% of all new infections in 1999. The incidence of sexually transmitted diseases has been on the rise among adolescents. As of August 2000, it is estimated that there are approximately 8,000 HIV infected persons recorded with a further 9,000 people who are not yet aware that they are infected with HIV.

373. Persons infected with H.I.V./A.I.D.S. continue to be stigmatised in Trinidad and Tobago. This view was recently reaffirmed by the F.P.A.T.T. in their 2000 report entitled "The Sexual Health of Youth in Tobago". Education on this issue is scarce, although information pamphlets are available to the public at no charge at numerous medical facilities. Between 1983 and 1997 there have been 2,642 reported cases, but this number does not accurately represent the actual number of persons suspected of being infected

with the virus in Trinidad and Tobago. This figure is believed to be significantly higher. It is difficult to obtain accurate figures on infection because H.I.V./A.I.D.S. is not a notifiable disease. Medical practitioners are under no obligation to report to the Ministry of Health the number of patients that they discover to be infected with H.I.V./A.I.D.S. At the end of 1997, it was estimated that the number of adults and children living with H.I.V./A.I.D.S. was 6,800 (this includes 2,200 women between the ages of 15 and 49 years, and 100 children under the age of 15 years).

374. In its report, the F.P.A.T.T. provided information on the findings of a research project that involved a survey of young persons in Tobago, which was conducted on 676 persons aged 10 to 29 years. The project also involved 12 focus group sessions and 2 pilot studies in September 1999 with young persons aged 10 to 24 years. In this regard, 4 'out-of-school' sessions were conducted, and 8 'in-school.' The project was a joint effort of the F.P.A.T.T. and the Tobago A.I.D.S. Society. Based on its findings, and the statistics obtained in respect of the existing information on the A.I.D.S. situation in Trinidad, the F.P.A.T.T. concluded the following:

> *People aged 10-24 are the age group most vulnerable to H.I.V. infections in Trinidad and Tobago and are also subject to other sexual and reproductive health problems. Half of the H.I.V. infections were estimated to occur among teens, and peak numbers are in the age groups 20-24 for women and 30-34 for men. Females are at particularly high risk. In the 15-19 age group, there are six times as many infected females as males. Half of women are likely to have their first child before the age of 20. H.I.V. incidence has doubled every 3-4 years, and H.I.V./A.I.D.S. is projected to cost 4.2% of GDP in the next ten years. There is a need for improved epidemiological information specific to Tobago.*
>
> *The male-to-female A.I.D.S. case ratio was 2:1 in 1996, down from 4:1 in the 1980s. In the same year, the male to female ratio of H.I.V. infections (not A.I.D.S.) was 1.4:1. The figures show a trend of increasing infection of women relative to men...Among those infected aged 15-19 in 1996, there were 6 times more females than males. Females also outnumber males in the under 15 and 20-24 age groups.*
>
> *According to the figures reported to C.A.R.E.C. [Caribbean Epidemiology Centre], homosexuals and bisexuals together have accounted for only about one in eight A.I.D.S. cases in Trinidad and Tobago throughout the 1990s, of which about 45 % are bisexuals. Of adult A.I.D.S. cases reported in 1996, the reported mode of transmission for 61% of cases was reported to be heterosexual sex and 6% male homosexual sex, while 33% were of unknown exposure category.*
>
> *H.I.V. is apparently transmitted exclusively by sexual contact in Trinidad and Tobago; there are no reported cases of A.I.D.S. caught through intravenous drug use or blood transfusion (C.A.R.E.C., 1997). Intravenous illegal drug use is rare in the Caribbean, and there is widespread implementation of screening of donor blood for the H.I.V. antibody; these facts are reflected in the low figures for transmission of the A.I.D.S. virus by these means...Crack cocaine use was found to be a significant independent risk factor in a study of STD clinic attenders in Trinidad (1995). Conversely, clients of Drug Rehabilitation Centres in Trinidad reported unsafe sexual behaviours, such as trading sex for money or drugs, never*

using condoms, or inconsistent use of condoms despite knowledge of H.I.V. (1999).

375. **Reported A.I.D.S. Cases and Deaths by Age and Sex (1996)**

	Cases for the Year				Deaths for the Year			
Age (Yrs)	Male	Female	Unknown	Total	Male	Female	Unknown	Total
<1	8	5	0	13	6	4	0	10
1 to 4	1	8	0	9	0	5	0	5
5 to 9	0	3	0	3	0	0	0	0
10 to 14	0	3	0	3	0	3	0	3
15 to 19	2	9	0	11	3	6	0	9
20 to 24	15	9	0	24	9	2	0	11
25 to 29	28	28	0	56	16	13	0	29
30 to 34	46	20	1	67	33	13	1	47
35 to 39	48	12	0	60	26	6	0	32
40 to 44	41	10	0	51	23	9	0	32
45 to 49	30	13	0	43	22	8	0	30
50 to 54	26	4	0	30	23	2	0	25
55 to 59	14	7	1	22	6	3	0	9
60+	13	2	0	15	8	2	0	10
Unknown	2	2	1	5	1	2	1	4
Total	274	135	3	412	176	78	2	256

376. **A.I.D.S. Cases by Transmission Route (1996)**

Transmission Route	Male	Female	Unknown	Total
Sexual Exposure	265	116	2	383
Blood Exposure	0	0	0	0
Vertical (mother to child)	9	19	0	28
Not determined	0	0	1	1
Total	274	135	3	412

377. In 1998, the Tobago Development Plan was formed. In respect of A.I.D.S., this Plan indicates that the Department of Health in Tobago will take steps to increase the number of specially and appropriately trained health professionals to deal with A.I.D.S. related issues. Under the Plan, an education outreach project on A.I.D.S. and sexually transmitted diseases is to be established.

378. There are various measures that have been undertaken to prevent the spread of H.I.V./A.I.D.S. in Trinidad and Tobago. These include:

- **The implementation of a Prevention and Control Programme.**
  This programme is managed by the National A.I.D.S. Committee, which was appointed by Cabinet in 1987. In 1989, it was re-organised to include a wide cross-section of participants to reflect the multiple impact of A.I.D.S. in society. The day-to-day management of this programme is the responsibility of the Coordinator of the National A.I.D.S. Programme. A cadre of trained

professionals and non-professionals handles programme implementation through various subcommittees.

- **Surveillance and research.**
  Primary sources of surveillance include: The Sexually Transmitted Disease Control Programme, the National Blood Transfusion Service where all blood is tested for H.I.V., the Trinidad Public Health Laboratory and the Caribbean Epidemiology Centre. The Caribbean Epidemiology Research Centre also conducts research with respect to H.I.V./A.I.D.S.

- **Information and education.**
  Programmes to provide education and information to the public on the issue of H.I.V./A.I.D.S. are on going. These programmes target the general public through electronic and print media, and they target schools through lectures, posters, handbills, etc.

- **Patient care and support.**
  Patient care and support is provided through hospital care, pre and post testing at the Queen's Park Counselling Centre and the provision of an A.I.D.S. hotline, through the care of patients in Community Centres, and through non-governmental support and counselling for persons living with H.I.V./A.I.D.S. (i.e. The Cyril Ross Nursery where care for children infected with H.I.V./A.I.D.S. is provided).

- **Other measures.**
  Other measures in this regard include on-going training provided to health care workers, and support received from several non-governmental organisations.

379. The Ministry of Health has a comprehensive plan for addressing H.I.V./A.I.D.S. Information is widely disseminated through a variety of mechanisms such as workshops, public consultations, electronic and print media, press conferences, posters, leaflets and bulletins. The National A.I.D.S. Programme and the Health Education Unit of the Ministry work in close collaboration with non-governmental organisations and community-based organisations to reach target groups within the population. Special sessions are also conducted for health care providers to minimise the risk of infection. Considerable support is received from U.N.A.I.D.S.

380. Measures taken to ensure non-discrimination are embodied within the human rights perspective of the national health policy. It states that "all women and men, irrespective of their H.I.V. status, have the right to determine the course of their reproductive life and health, and to have access to information and services that allow them to protect their own and their family's health". Where the welfare of children is concerned, decisions should be made that are in keeping with children's best interests. Further, a national policy that will govern H.I.V./A.I.D.S. in the workplace is currently being developed. Policy principles that will ensure non-discrimination are as follows:

(i) The protection of the social and legal rights of the employees with H.I.V./A.I.D.S., including health and safety and the safeguard of their employment benefits.

(ii) The assurance of H.I.V. testing subject to proper control and the maintenance of confidentiality of medical information.

(iii) The promotion of counselling, support and education for employees and their families so that a reasonable standard of motivation will result in satisfactory performance and productivity.

381. The draft Basic Conditions of Work Bill seeks to prohibit discrimination on the basis of H.I.V. infection and A.I.D.S. The Bill proposes to include this protection in respect of *inter alia* hiring and firing practices, as well as in respect of terms and conditions of employment. Further, the draft Bill proposes to protect the confidentiality of medical information of persons infected with H.I.V. or who have developed A.I.D.S.

382. The Education Division of the Ministry of Health, together with the National A.I.D.S. Programme and the primary health care staff work in collaboration with non-governmental organsations, community based organisations and religious groups to prepare persons including women, to care for persons with A.I.D.S. The Ministry provides support to the Persons With A.I.D.S (P.W.A.), and has recently committed itself to supporting the 10th International Conference for persons with A.I.D.S., to be held in Trinidad and Tobago in the year 2001. This will be the first of such conferences to be held in the Caribbean region.

383. There is an A.I.D.S. Hotline in Trinidad and Tobago, which is available to the public for counselling and referrals from 8 a.m. to 8 p.m. It is a non-profit, anonymous organisation that is volunteer-run, with the exception of one staff member. The volunteers receive basic counselling training upon recruitment, and then undergo intense training workshops once every three months. These focus on the improvement of listening skills. There are approximately 50 registered volunteers, but they give their time on a 'pop-in' basis, or provide one to two hours of their time at any given session. According to the staff, Trinidad and Tobago is not accustomed to volunteering, and so at any given time there are only approximately one to two volunteers to answer the calls. On a slow day, the hotline receives approximately 10 calls, and on a busy day it receives approximately 25 calls. The volunteer counselors provide referrals to H.I.V./A.I.D.S.-friendly medical practitioners and to public medical institutions that provide care and testing. There are three facilities in Trinidad and Tobago that offer free H.I.V./A.I.D.S. testing and the results are confidential. The Hotline requires TT $200,000 per annum to operate its services comfortably, but has recently been operating on only TT $62,000. The Ministry of Health has provided housing and utilities, but all other resources come from what the staff refers to as 'begging letters'. These are letters that are sent to households across the country, requesting financial support from the general public.

384. With support form the Medical Research Foundation, the Ministry of Health has initiated a country wide programme to address pregnant women who are infected with

A.I.D.S./H.I.V. The aim is to decrease the incidence of mother-to-child transmission of the virus/infection. The main features of this programme include screening, counselling, treatment and monitoring.

385. Some of the other findings of the F.P.A.T.T. study are as follows:

- *Males are more likely to have had sex, to have an earlier age at first sex and have a larger number of sex partners.*

- *Average age at first sex for the entire sample was 15.2 years for girls, and 13.1 years for boys (overall average of 14 years). This finding repeats that of a number of Caribbean studies which have revealed a lower age of sexual initiation among males.*

- *There were significant differences between males and females in levels of knowledge about methods of contraception, methods of prevention of H.I.V./A.I.D.S. and other issues relating to sexual and reproductive health. Females were generally better informed than males.*

- *There is a general feeling that education relating to sexual behaviour is not meeting the needs of young persons.*

- *Males have their first sexual experience at an earlier age than females, but higher rates of H.I.V. are among teenage girls. The main explanation for this is that females prefer having sex with older men, who often have more than one sexual partner and have years of sexual experience.*

- *Approximately one third of respondents believed tourists to be the main source of A.I.D.S. and that this was associated with lower age at first sex. A further third (37%) think that tourists exploit young people in Tobago.*

- *Unemployment, poor job and leisure prospects combined to promote a mood of apathy and fatalism among young people, men in particular.*

- *Influentials identified inadequate parenting and a lack of guidance as major problems for youth, specifically in the areas of communication and support. This lack of guidance was seen to contribute to youth risk in areas of sexual behaviour and drug use.*

- *Due to the existence of a 'culture of silence,' young people feel that they do not have anyone that they can trust in talking to about personal problems, sex, sexuality and H.I.V./A.I.D.S., although exceptional professionals have gained a reputation of being trustworthy. While a number of institutional structures and services exist for young people, few have gained their trust and confidence. Young people make use of the Tobago Crisis Hotline as they do not have to give their name and do not encounter listeners face to face.*

- *Young people felt that some health care workers make it difficult to receive the services they need. Some appear to prefer to lecture to them rather than provide the service. There are occasions when youth are told they are too young to have sex and that they should come with their parents to get health care.*

A comparison of the survey results from the F.P.A.T.T. study with those of two other surveys of young persons conducted in Tobago and in Toco, Trinidad, suggest that the results are "quite robust and reliable for Tobago and to a lesser extent for Trinidad and Tobago."

386. According to the F.P.A.T.T. report, the following are environmental factors which have been found to significantly impact on sexual behaviour in Trinidad and Tobago:

- Gender roles
- Cultural beliefs on modes of transmission and prevention
- Accuracy of knowledge
- The culture of materialism
- Relationships with parents, peers and older adults
- Stigmatisation of people with disease, including H.I.V./A.I.D.S.
- Access to condoms
- Access to health care
- Lack of privacy and confidentiality in health services and other fields

387. Sex education targeting young persons as provided by non-governmental organisations in Tobago has been sporadic. A more systematic health education campaign has been run by the F.P.A.T.T., which has provided health and family education in schools. However, sex workers, men engaged in homosexual activity and users of illegal drugs have not been targeted. The main non-governmental organisations contributing to the education, care, support and prevention in this regard have been the Tobago A.I.D.S. Society, the Police Youth Group, Community Police, Alcoholics Anonymous, Narcotics Anonymous and the Scarborough and Environs Action Group.

388. There is no available information on the incidence of work accidents and work-related diseases among women. Information that is available in respect of work accidents and work-related diseases does not disaggregate between men and women.

Article 13

389. Trinidad and Tobago recognises *(de facto)* several definitions of a family. These include the following:

FAMILY TYPE	DEFINITION
Extended Family	• Intergenerational family unit.
Nuclear Family	• With mother, father and children (either legally sanctioned or common-law relationships).
Single-Parent Family	• With one parent in the household who is responsible for the care of children.
Sibling Family	• Where there is no adult head. These are mainly cases where adult caregivers have relocated within Trinidad and Tobago or have emigrated or where there may be mental illness or drug abuse.

In dispensing benefits, the Ministry of Social and Community Development recognises all of the above family types.

390. The following is a list of means employed to grant assistance and protection to families.

ASSISTANCE	DESCRIPTION
Formal Assistance	• Counselling services are offered by the National Family Services (Probation Division), especially with respect to Domestic Violence and Delinquency.
Financial Assistance	• Financial assistance is provided through subventions or grants offered by the Social Welfare Division of the Ministry of Social and Community Development.
Material Assistance	• The SHARE Division of the Ministry of Social and Community Development provides food hampers.
Adoption and Foster Care	• The Ministry of Social and Community Development facilitates this.
Protection and Legal Services	• Protection and legal services are offered through the Ministry of Legal Affairs, the Ministry of National Security and the Police Service.
Informal Services	• Ministry of Culture & Gender Affairs offers counselling via telephone through a 24-hour hotline. • Non-governmental organisations and community groups, religious orgnisations offer counselling services and financial assistance.

391. The Ministry of Social and Community Development is a core Ministry within the social sector, with respect to the implementation of the Government's national, social development goals and objectives, as outlined in successive Medium Term Policy Framework, and other national planning documents. The Ministry's mission statement is to empower the socially vulnerable to achieve self-reliance, and thereby, to enhance their well-being, and facilitate their contribution to national development.

392. The Social Welfare Division of the Ministry of Social and Community Development provides social security to the aged and needy in the country. Through the administration of non-contributory social security programmes, which are financed out of the annual consolidated fund, old age pension, public assistance, disability grants and emergency care fund grants are provided to socially vulnerable groups. These include persons who are prevented from earning a living by reason of a mental or physical disability; needy children, including those children who have been deserted and abandoned by their parent(s) and a maintenance application has been made but the respondent cannot be found, and the spouse of a person serving a term of imprisonment and who is unable to earn a living due to caring for a child of the family. The three main programmes offered by the Social Welfare Division are governed by Statute. These are the Old Age Pension Act, Chap. 32:02 (as amended), the Public Assistance Act, Chap. 32:03 and the Adoption of Children Act, Chap. 46:03 (now repealed and replaced by the Adoption of Children Act, 2000 expected to come into force shortly). Old age pensions in the sum of TT $600 per month are available for persons aged 65 years and over with an annual income of below TT $5000. Under the Act, blind persons may receive a pension at an earlier age if it is that they are unable to earn a livelihood. Public Assistance targets needy children, the disabled, and the poor. According to S.3 of the Public Assistance Act, Chap. 32:03,

Assistance shall be given to meet the needs of necessitous persons who are prevented by some disability from earning a living; and shall normally be given to the head of the family, whose needs shall be deemed to include those of his dependants.

Applications for Public Assistance are made at the local board office where the applicants reside. A disability assistance grant is available for persons between the ages of 40 and 65 years whose annual income is below TT $5,000.

393. There is also in place a Pensions Act, Chap. 23:52 which was enacted in 1934. It was implemented to regulate pensions, gratuities and other allowances to be granted to public service officers who were appointed to the public service after August 1, 1934. Section 14 of this Act provides that a public officer may be required to retire anytime after attaining the age of 60 years, and in special cases, after attaining the age of 50 years. The only restriction contained within this Act is stated in S.4 which indicates that the Pensions Act, Chap. 23:52 does not apply to a public officer to whom the Retiring Allowances (Diplomatic Service) Act, Chap. 17:04 applies (since it contains its own pension provisions). Other provisions contained within the Pensions Act, Chap. 23:52 indicate that a public service officer must have served a period of contribution of ten years before he or she can qualify for a pension under the Act. If an officer has not completed ten years of service, he or she may apply for a gratuity. Section 4 provides that a female public service officer who has held a pensionable office for no less than five years, can retire from service for the reason that she has married, or is about to marry. However, an amendment to the latter section provides that only persons who entered the public service before August 14, 1997 are eligible to retire on the grounds of marriage.

394. Currently, more than 50,000 persons continue to benefit from the Public Assistance Grant. Recent amendments to the regulations governing the Old Age Pension Grant have resulted in an additional 8,000 senior citizens becoming eligible for the Old Age Pension programme. The Government is also in the process of harmonising the contributory and non-contributory social security system in order to bring greater equity into the system.

395. The National Insurance Provisions under Part III of the National Insurance Act, Chap. 32:01 establish a system of compulsory national insurance, whereby registered employed persons are insured against a loss of earnings. This includes insurance against personal injury arising out of and in the course of employment, including disease or injury caused by the nature of employment. Under this Act, persons under the age of 16 years and over the age of 65 years are not insurable against employment injury. Further, employment not considered insurable under this Act includes: part-time employment of less than ten hours per week, remuneration of not more than TT $5 per week, employment of a woman by her husband, employment of a person who is not a citizen of Trinidad and Tobago and is exempt from social security provisions by virtue of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01, and the employment of any person by an international organisation.

396. The National Insurance (Benefits) Regulations were made under S. 55 of the National Insurance Act, Chap. 32:01. These regulations provide for sickness benefits offered for sickness caused by a non-employment injury, maternity benefits, invalidity benefits (which is an extension of a sick benefit), disablement benefits, death benefits (which is injury benefits paid to the estate of the deceased person), and survivor benefits (which is orphans' and widows' allowance).

397. A Disability Assistance Grant is provided for persons who are 40 to 65 years of age, and who are certified as being physically and mentally disabled from earning. This programme was introduced in 1998 through the Social Welfare Division of the Ministry of Community and Social Development to provide assistance to a broader base of vulnerable and disadvantaged persons in society. Approximately 3,000 persons benefit from this programme. In addition, assistance is provided to non-governmental organisations which provide employment opportunities to persons with disabilities through the provision of annual subventions in the sum of approximately TT $6,000,000.

398. The National Family Planning Services Division of the Ministry of Social and Community Development is the main agency catering for the protection and maintenance of healthy families in Trinidad and Tobago. The major aspect of the Division's work is in preventative work which includes lectures and workshops targeted at various groups of the population as well as counselling and rehabilitative services, for families in need of referral services, as may be necessary. The Division also networks with other relevant agencies to advocate the revision and enactment of legislation to support healthy families. The Social Welfare Division of the Ministry addresses income maintenance benefits, with a small portion of casework services. Micro-enterprise assistance is offered to generate self-efficiency within families. This assistance is dispensed through the Social Welfare, the Probation and the National Family Planning Services Divisions of the Ministry. The Community Development Division also carries out preventative and rehabilitative work through its work with communities.

399. Legislative and other social schemes make no exceptions for women, unless as specified above. Women have an equal right to benefits and coverage. However, strict guidelines for the provision of Social Welfare Benefits do exist. For instance, children are entitled to benefits if the head of their family, usually the father, is unable to work through illness or is dead. Consequently, female headed households experience difficulty in accessing benefits, as these are determined largely on the status of the male. Further, new poor families subsisting under the poverty line are not readily eligible for Social Welfare Benefits due to the strict needs criteria that are in force. Where heads of households afflicted with the H.I.V./A.I.D.S. virus may have lost their jobs through discriminatory practices, rather than the presence of illness, families can and do suffer. The same is the case for grandparents who assume the role of primary care-giver. This is a growing trend in Trinidad and Tobago, and aside from public assistance, there are no special services available in this regard. Also, while extended and other forms of familial types are taken into consideration, in practice, the process can be lengthy and the question of equity is of concern. Practitioners and social service groups continue to lobby for

changes to existing practices. Over the years, there has been some degree of change, but the momentum of change has been extremely slow.

400. Until 1997, assistance provided under the Public Assistance Act, Chap. 32:03 for persons unable to earn a living by reason of disability was given to the 'head' of the family, a term consistently interpreted in practice to mean the male head of the family, and the female only where she was a single head of the household. In effect, a female spouse who was the only or main breadwinner in the family/household, could not qualify for assistance if she became disabled or was unable to earn a livelihood. By amendment No. 23 of 1996 to the Regulations under this Act, public assistance under the Act is to be paid to the person "who in the opinion of the Local Board, is the head of a family." This amendment serves to enhance women's access to social services.

401. Currently, there are no special social services made available to single mothers, who can however, be assisted financially if they qualify for public assistance grants. In this regard, women can claim assistance on behalf of themselves and their children.

402. In 1992, the Survey of Living Conditions revealed that there were 26.6% female-headed households. The survey also revealed that female-headed households accounted for 38% of all households living below the poverty line. In 1997, the Survey of Living Conditions was prepared by the Central Statistical Office and revealed that poverty is more prevalent among female-headed households where women have low educational attainment levels and live in rural areas. In light of this, the Government has committed itself to improving the standard of living of poor women and their families by implementing measures to increase their productive capacity through access to capital, resources, credit, the law, technology, information, technical assistance and training.

403. The Government of Trinidad and Tobago is engaged in promoting overall improvements in the quality of life in the country through the provision of services in the areas of counselling, community based parent outreach, financial assistance, the protection of the rights of children and remedial therapy. These services will heighten women's opportunities to advance their economic status as they will benefit from Governmental support in respect of their career, and in managing their families.

404. With respect to the promotion of an adequate standard of living for women, the Information Division of the Office of the Prime Minister has, in collaboration with relevant Government Ministries, produced and aired programmes in relation to the right to housing, nutrition, the highest attainable standard of health, the development of respect for the natural environment and information and education on the basic use of preventative health care. These include five minute nightly television programmes in the form of documentaries, investigative reports and educational programmes aimed at informing the general population with a view to the promotion of an adequate standard of living for women.

405. Working Women for Social Progress is a non-governmental organisation which offers a programme entitled Alternatives to Welfare for Young Women. This project targets young women who are housed in children's homes and are in the pre-release phase (within one year of departure). Young women institutionalised in children's homes or places of emergency residence, are normally required to leave on attaining the age of 16 years. This project was thus implemented in recognition of the constraints and limitations on institutionalised young women's access to resources and skills necessary to ensure their full integration into society. The project aims to provide a network support system that delivers practical skills to improve participants' prospects for survival.

406. The right of women to access bank loans, credit, marketing, mortgages and other forms of credit are recognised as mechanisms for the empowerment of the socially and economically disadvantaged. Data however, is not readily available on the proportion of women who secure business credit from private commercial lending agencies, although such institutions generally apply similar eligibility criteria for both males and females. To the extent that women may not possess items normally used as collateral nor the skills to develop business plans, women engaged in or entering the production or trade sector experience some difficulty in acquiring financial assistance from financial institutions. Data from the Agricultural Development Bank revealed that in 1992, outstanding loans to males amounted to over TT $4 million, compared to TT $470,000 for females, and TT $1.2 million to males and females jointly. There were 331 male-only clients, compared to 48 female-only clients. In 1993, a sample of loans revealed 198 loans, valued at TT $57 million were approved in respect of men, 20 loans, valued at TT $250,000 were approved in respect of women, and 36 loans, valued at TT $1.9 million were approved in respect of joint male/female applicants.

407. A study conducted over the period May to June 2000 by the Co-operative Credit Union League of Trinidad and Tobago ("Strengthening Women's Capacity in Production and Trade") which was commissioned by the Gender Affairs Division of the Ministry of Culture and Gender Affairs and funded by the Canadian Gender Equity Fund, found that women have been experiencing increased levels of poverty, frustrated self-development and an insensitive market which has forced them into creating their own opportunities, usually entailing a sacrifice of their self-development and an embrace of unpaid or lower paid work. According to the report of the findings, women have been enduring the brunt of structural adjustment policies and globalisation.

> *Twenty-eight (28%) of the businesses surveyed were started in the last decade by female heads of households to generate or supplement income. The need to survive demanded that more than 50% of the women in this survey convert their hobbies, lifetime dreams and family traditions into business. Skills training supported their endeavors, but not significantly.*
>
> *Further, respondents stated that the institutions of the Government, private sector and the NGO community, have not been able to adequately provide the services needed for the development of these businesses or to win the trust of women.*

Most women in this study have cited the highest interest rates charged by banks as a deterrent to borrowing. Programmes of the State, which provide grants and loans, are slow in meeting women's needs and require greater marketing for the national community to know of their existence and the services provided.

408. The aforementioned survey was conducted on a sample of 100 women in Trinidad and Tobago who are engaged in small and micro businesses. Some specific findings of this survey include the following:

- *women tend to have less access to higher levels of capital;*
- *Government strategies aimed at stimulating national savings and investment do not specifically target women;*
- *women in business need to be identified as a specific group to be stimulated;*
- *women spend an average of 10 hours [a day] working in the business;*
- *only 12% of women surveyed had been trained in the business – a common reason for this was a lack of time and money, family commitments, location and an unavailability of courses; and*
- *over 60% of women surveyed have school aged children who are cared for, in their absence, by older siblings and grandparents mainly.*

409. The findings of the survey provided the following information which may be reflective of the situation of women in the production and trade sector:

Women in Production and Trade by Activity (No. of Persons)

ACTIVITY	TRINIDAD	TOBAGO	TOTAL
Food	25	7	32
Clothing	23	2	25
Production	5	-	5
Retail	8	-	8
Salons	17	2	19
Service	6	1	7
Handicraft	4	-	4
Total	88	12	100

Women in Production and Trade by Ownership (No. of Persons)

ACTIVITY	SOLE OWNER	PARTNERSHIP	COMPANY	TOTAL
Food	25	7	-	32
Clothing	21	4	-	25
Production	4	1	-	5
Retail	6	2	-	8
Salons	17	2	-	19
Service	3	2	2	7
Handicraft	3	-	1	4
Total	79	18	3	100

Women in Production and Trade by Source of Funds at Start-up, (No. of Persons)

ACTIVITY	SAVINGS	FAMILY	FRIENDS	BANK	NGO	CREDIT UNION	TOTAL
Food	21	5	-	5	1	-	32
Clothing	16	5	2	2	-	-	25
Production	2	-	-	2	1	-	5
Retail	1	3	-	3	1	-	8
Salons	5	4	-	8	1	1	19
Service	2	-	-	4	-	1	7
Handicraft	3	1	-	-	-	-	4
Total	50	18	2	24	4	2	100

410. While there are many institutions involved in providing varying amounts of assistance to persons involved in business, few provide special incentives or facilities for assisting women. Funding agencies, however, have indicated that even with the absence of such encouragement, women have increasingly been gaining access to their services. Currently, some of the key institutions in Trinidad and Tobago which provide such assistance include:

- The Small Business Development Company (S.B.D.C.)
- Tourism and Industrial Development Company of Trinidad and Tobago (T.I.D.C.O.)
- Agricultural Development Bank (A.D.B.)
- Trinidad and Tobago Development Foundation (FundAid)
- Development Finance Limited – Micro Business Advantage (D.F.L.-M.B.A.)
- Caribbean Micro Finance Limited (C.M.F.)
- Ecumenical Church Loan Fund (E.C.L.O.F.)
- Community Action for Revival and Employment (C.A.R.E.)
- Community Development Fund Grants Programme (C.B.O./N.G.O. Window)
- The Caribbean Association of Women Entrepreneurs (C.A.W.E.)
- The National Agricultural Marketing and Development Corporation (N.A.M.D.E.V.C.O.)
- Inter-American Institute for Co-operation in Agriculture (I.I.C.A.)
- Credit Unions

411. Over the period January to March 1989, 43.5% of the total number of loans under the Industrial Development Corporation Small Business Development Programme were disbursed to women.

412. Ownership of property often determines the ability of clients to provide collateral to financial institutions. The 1982 Agricultural Census report on ownership of land holdings by area, sex and proportion of income derived from agriculture, provides some useful insights in the area of female land ownership. Of a total of 30,422 land owners, 6,317 were female. Recent statistics in this regard are unavailable.

413. While the Government has committed itself to addressing gender issues, including in respect of the provision of social services, there is an absence of a gender perspective in the Medium Term Policy Framework, 2000/2001. There is a need for the identification of gender equity as a stated objective in order to provide necessary support to women, particularly in the production and trade sector. Further, there is a need for the Government to conduct impact assessments on policies and gender sensitive budgets, to aid in guiding future policies and budgets.

414. While there is no express provision in the Constitution or in legislation that entrenches the right to take part in cultural life, the Constitution does however recognise some aspects of this right. These include provisions contained in S.4 of the Constitution:

(h) freedom of conscience and religious belief and observance;
(i) freedom of thought and expression;
(j) freedom of association and assembly.

415. The right to participate in recreational activities and sports is not expressly provided in the legislation of Trinidad and Tobago. However, there is a Ministry of Sport and Youth Affairs which is mandated to deliver quality support services to the citizenry for the development of youth and sport. The vision of the Ministry is to be a dynamic people-centred organisation in the forefront of human development with particular focus on youth empowerment, total participation and excellence in sport. In respect of women, this Ministry has implemented the Women in Sport Programme to highlight female input in sports and encourage female participation in the same.

Article 14

416. In 1993, the Annual Statistics Digest indicated that the rural population of Trinidad and Tobago consisted of 559,234 persons, or 50% of the total population. Of that number 305,286 were women.

417. Risks experienced by rural and/or primary producers include exposure to the natural elements, pests and snakes. Additional risks include over-exposure to and misuse of agro-chemicals. There is no data available on the link between the over exposure and misuse of agro-chemicals and chronic diseases.

418. According to the Inter-American Institute for Cooperation on Agriculture (I.I.C.A.), the feminisation of agriculture is a phenomenon which exists within Trinidad and Tobago. This involves the outward migration of males from small-scale production and the associated need for women to spend increasing amounts of time in the field, which compounds their reproductive responsibilities. Generally, as a result of the under-valuation of the contribution of rural women to agriculture, there is a marginalisation of rural women within the developmental processes.

419. The I.I.C.A. indicates that the risks for rural women processors would be similar to factory workers and include personal injuries associated with inappropriate safety measures such as slippery floors, inadequate ventilation and a misuse of equipment.

420. The I.I.C.A. reports that there are reported cases of alcohol dependency among the spouses of rural women, however the extent of this is unknown.

421. A 1990 study conducted by a team of consultants of the Women and Development Studies Group of the University of West Indies (St. Augustine) revealed that there is no specific Governmental policy or programme geared towards the needs of women in the rural sector. To the extent that there is a predominance of agriculturally related activities in the rural sector and in the absence of a public policy specifically geared towards rural women, the Ministry of Agriculture, Land and Marine Resources is vested with the responsibility for agricultural development and assumes *de facto* responsibility for rural women. However, the Ministry has indicated that it has no stated policy which specifically targets rural women.

422. Over the period 1991 to 2000, there have been 23 policy planning and extension programmes targeting a total of 500 rural women. These have been primarily in the area of food preservation, but have also included crop and livestock production and management. The programmes are the result of a joint effort of the Ministry of Agriculture and the I.I.C.A.

423. A 1995 study conducted by the Food and Agriculture Organisation (F.A.O.) illustrates the prioritisation of needs as identified by rural women. The data showed that among those engaged in agriculture, of all extension topics preferred by women farmers 'cultivation practices' was ranked the lowest, while post harvest processes such as 'storage' and 'processing' were ranked the highest.

Ranking of Agricultural Extension Topics Preferred by Female Farmers (1995)

EXTENSION TOPIC	RANK
Crop Storage	1
Food Processing	2
Weed Control	2
Selection of Seeds	3
Harvesting Techniques	4
Pest Control	5
Crop Production/Mixed Cropping	6
Selection of Fertilizers	7
Care of Poultry	8
Care of Livestock	10
Credit Advice	11
Soil Fertility	12
Cultivation Practices	13

424. The extent and nature of violence and abuse to which rural women are subject is unknown. However, there is little difference between rural and urban women in terms of access to social or support services, including treatment. Similar support is provided through counselling in the National Family Services, women's groups and the Probation

Department and Community Development of the Ministry of Social and Community Development. Micro Entrepreneurship and Training Grants can be accessed and although not specifically designed for men or women only, it is more often utilised by women. Such grants are also especially available to victims of domestic violence, with respect to Micro Entrepreneurship and training. There are also drop-in centres throughout rural Trinidad which are administered by the Domestic Violence Unit of the Ministry of Culture and Gender Affairs. These address social issues related to women, children and families, including domestic violence. In addition, a probation officer has been placed in each Magisterial District (there are 13 in the country), and at present, there are 6 social workers attached to the National Family Services Division of the Ministry of Social and Community Development. These officers operate out of 6 counties in Trinidad and Tobago.

425. Training in literacy and basic mathematics is available to rural women at all 45 Lifelong Learning Centres, of which 28 are located in rural areas. These centres are easily accessible. Currently there are over 250 males and 375 females attending these classes. Please refer to paragraph 234 under Article 10 of this periodic report for further information on these centres.

426. The primary mandate of the Ministry of Housing and Settlements is to develop and implement a framework for physical development which will facilitate and harmonise the achievement of key national goals, including economic development, self-sustainability of communities, affordable shelter for all and the wise use of natural resources and cultural heritage. In this regard, there is no programme in existence to specifically ensure ownership of land by rural women. However, the Ministry has recognised the need to incorporate gender issues in the formulation of its policies.

427. The I.I.C.A. is an OAS regional organisation which has been very active in the implementation of projects and the provision of programmes related to training, self-help and infrastructure building in respect of rural women. Consultations with this organisation in the compilation of this periodic report revealed the following as two of the most significant of such programmes implemented by this organisation:

i. Enhancing the Participation of Women in the Rural Development Process in Trinidad and Tobago (1992-1995)

This project was implemented to improve the quality of life of rural families with specific reference to women through the strengthening of the institutions that provide support services aimed at the promotion of women in the development process. The specific aims were to increase incomes and employment of primary beneficiaries and to increase awareness of gender and gender-specific issues among the personnel of the Ministry of Agriculture, Land and Marine Affairs. The project entailed the provision of assistance to various groups in the initiation of production activities, including training programmes in business management, food preservation, quality control, gender analysis, and the identification and development of income-generating investment projects. The design of the project

also incorporated the development of market studies within respective communities, to support the development of commercial initiatives.

A formal evaluation of the project revealed a positive impact on the levels of income, savings and participation in extension activities of female beneficiaries. In addition, 67% of participants reported having developed a sense of community spirit, increased self-confidence and that they had acquired new skills.

ii. Supporting the Rural Development Process in Trinidad and Tobago through Institutional Strengthening of Selected Farmers' Groups and Support Agencies (1996-1999)

This project was implemented to improve the productive efficiency of selected groups living in rural areas through an increase in their competitiveness in local markets. The specific goal of the project was to increase the participation of these groups in rural development activities and in extension programmes in particular. The selected groups were women, youth, commodity associations and district/ community groups.

With respect to women, the aim was to support the commercialisation of the activity of at least 6 women's groups. Through the consolidation of the gains of the previous project (described above), the proposed activities included training, the development of market surveys, the adaptation of technological packages and the access of supplementary financing.

428. The 1993 Annual Statistical Digest revealed that a total of 33,600 persons were employed in agriculture, of which 26,880 were males and 6,700 were females. In 1990, the Government conducted a study on female participation in agricultural extension programmes which revealed that on average, 25% fewer women as compared with men, participated in such programmes. It was observed that the majority of female farmers were not benefiting from opportunities, specifically training and technology, which could enhance their productive capacities. In 1995, an impact assessment study of project beneficiaries was conducted by the I.I.C.A., which revealed an increase in the female rate of participation in extension programmes and an increase in female awareness of extension programmes, as compared to 1992.

429. **Percentage of Women in the Agricultural Labour Force, 1992-1999**

YEAR	TOTAL LABOUR FORCE	# OF WOMEN	% OF WOMEN	# OF WOMEN EMPLOYED	% OF WOMEN EMPLOYED	# OF WOMEN UNEMP.	% OF WOMEN UNEMP.
1992	49,100	8,775	17.9	7,750	88	975	11.11
1993	45,675	8,575	18.8	7,975	93	575	6.71
1994	52,950	10,050	19.0	9,275	92	900	8.96
1995	47,800	8,275	17.3	7,675	93	600	7.25
1996	42,275	7,725	18.3	7,300	94	450	5.83
1997	46,900	7,125	15.2	6,525	92	600	8.42
1998	46,800	6,150	13.1	5,825	95	325	5.28
*1999	49,200	7,800	15.9	7,100	91	800	10.26

* as at April 1999

430. In respect of income, the I.I.C.A. has identified that there is an income differential between men and women in the agricultural sector since female earnings are generally associated with subsistence farming which are lower than the earnings of their male counterparts, who are generally associated with commercial farming. However, data collected in 1992 and in 1995 by the I.I.C.A. with respect to 120 rural women revealed that more women reported incomes in the 'over $100/week' category in 1995 as compared to 1992.

431. According to the draft report by the Co-operative Credit Union League of Trinidad and Tobago, the Government has a stated objective of expanding production and employment in the agricultural sector, and of enhancing the contribution of agriculture to the gross domestic output and to foreign exchange earning. This is expected to contribute to the level of success of women in agriculture and agro-processing. However, this policy does not explicitly reflect gender sensitivity, and to the extent that men dominate the agro-sector is implicit of the fact that it will benefit them primarily. Similarly, the Government's strategy to promote social stability, poverty alleviation and the development of rural communities include agricultural projects which adopt a community based participatory approach that targets the rural poor, but does not make specific mention of consultation with rural women in this process.

432. In 1989, County Agricultural Consultative Committees were created and revitalised in 1992. Community groups are represented in all such committees. All groups, including women's organisations have the opportunity to participate in rural development and planning through them.

433. Rural women also enjoy all programmes offered through the Ministry of Agriculture, Land and Marine Affairs, although no measures specifically targeting rural women have been implemented.

434. Aside from the Ministry of Agriculture, Land and Marine Affairs, there is a wide range of non-governmental organisational activity in respect of rural women. The following is a list of those inspired through the work of the I.I.C.A.:

i. Network of Rural Women Producers

Following the conclusion of the I.I.C.A.'s 1996-1999 project (described above), the I.I.C.A. supported the establishment of the Network of Rural Women Producers (N.R.W.P.), which now provides one umbrella under which individuals and groups are represented. The Ministry of Agriculture, Land and Marine Resources endorsed the N.R.W.P. and the wife of the Prime Minister is now the patron of the Network.

The overall objective of the N.R.W.P. is to equip rural women to become self-reliant, and subsequently empower them to improve their socio-economic status. Membership is open to all rural women, women's groups or organisations involved in agriculture or agricultural activities. Training of members has continued in association with the membership drive. A proposal for

supplementary funding has been developed by the I.I.C.A. to support and strengthen the institutional framework of the Network, and has been forwarded to the Canadian Gender Equity Fund. A revolving credit scheme has also been established on behalf of the Committee for the Upliftment of the Underprivileged, which offers the disbursement of a US $900 loan to members of the Network.

ii. Caribbean Network of Rural Women Producers

The I.I.C.A. has also facilitated the establishment of the Caribbean Network of Rural Women Producers on the occasion of the First Meeting of the Wives of Heads of State and Heads of Government, which took place on 5-7 July 1999. Conclusions of this meeting aimed to institutionalise the meeting into a Forum of Spouses of Heads of State and Heads of Government of the Caribbean. The Articles of the Association of the Caribbean Network have been developed and forwarded to the I.I.C.A. Office in Guyana for registration as a non-profitable organisation.

iii. Forum of the Spouses of the Heads of State and the Heads of Governments in the Caribbean

I.I.C.A.'s work with the Conference of Wives of Heads of State and Government of the Americas began in 1992 when the Institute responded to the request of a group of 'First Ladies' at the Geneva Summit to focus on the condition of rural women. Following a comprehensive research project conducted in 18 countries over the period 1993 and 1995, I.I.C.A. completed the design of a hemispheric programme entitled Programme for the Entrepreneurial Development of Rural Women (P.A.D.E.M.U.R.). I.I.C.A. is now intrinsically linked to the hemispheric conference through P.A.D.E.M.U.R. To support the participation of delegates from the Caribbean, I.I.C.A. sponsored the First Meeting of the Wives of Heads of State and Heads of Government of the Caribbean. The main objective of this meeting was to promote a collective regional effort for the purpose of developing successful initiatives and cooperative strategies to deal with the social problems affecting women in Caribbean countries.

The meeting was both historic and momentous, as it represented the initiation of dialogue amongst the Caribbean's most important females, one which will assist in the articulation and consolidation of a regional position on issues related to the enhancement of the economic and social development of women, in particular, rural women.

435. The official Port of Spain Declaration noted that the Spouses of the Heads of State and Heads of Government of the Caribbean region:

- affirmed their desire and intent to support and promote policies and programmes that promulgate the rights of Caribbean women to participate in and have access to all social, political, economic and cultural activities in the countries consistent with international agreements, conventions and resolutions which promote the

strengthening of democracy, the eradication of poverty and the protection and promotion of human rights, economic stability and social justice for all;

- agreed to establish and institutionalise the meeting to be known thereafter as the Forum of Spouses of Heads of State and Heads of Government of the Caribbean Region; and
- sought formal recognition and support of the Heads of State and Heads of Government of the Caribbean region to execute the goals of the Forum.

Article 15

436. The Citizenship Act, Chap. 1:50 and the Immigration Act, Chap. 18:01 deal with different aspects of the acquisition, change and retention of nationality. Specifically, S. 6 of the Immigration Act outlines conditions which must be satisfied when an individual is seeking to acquire residency status. The provisions are applicable to men and women equally, and do not make any distinction between married and unmarried women.

437. According to the Citizenship, Chap. 1:50, which is consistent with Chapter 2, Ss. 15 through 21 of the Constitution, a child is a national of Trinidad and Tobago by birth, where either of his or her parents is a citizen of the country. A child does not become a citizen of the country at birth if either of his or her parents "possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Trinidad and Tobago; or...either of his parents is an enemy alien and the birth occurred in a place then under occupation by the enemy." Further, a child who is born outside of Trinidad and Tobago is a citizen of the country where either of his or her parents is or was (but for his or her parent's death) a citizen of Trinidad and Tobago. No distinction is made between a male or female child.

438. Section 4(g) of the Constitution provides for the legal right of freedom of movement "without discrimination by reason of race, origin, colour, religion or sex." Everyone is therefore, free to choose their place of residence and domicile, to enter into the country and to freely leave the jurisdiction provided that the individual is in possession of valid travel documents which all citizens and residents are entitled to be granted, except in the few instances set out in Ss.4 to 8 of the Immigration Act, Chap. 18:01 which are in no way related to gender.

439. The Legal Aid and Advice Act, Chap. 7:07 was established to preserve S.4 of the Constitution, which guarantees "the right of the individual to equality before the law and the protection of the law", and "the right of the individual to equality of treatment from any public authority in the exercise of any functions". These rights are guaranteed "without discrimination by reason of race, origin, colour, religion or sex". Legal aid therefore is available equally to both men and women in Trinidad and Tobago.

440. Legal Aid has been available in Trinidad and Tobago since 1976. The original Act which established a Legal Aid and Advice Authority has been amended by the Legal Aid (Amendment) Act, No. 18 of 1999. This amendment has widened the scope of proceedings for which legal aid may be granted. The amendment also gives the Director of the Authority power to grant an Emergency Certificate of Legal Aid to a person desirous of legal aid as a matter of urgency in respect of proceedings for and in relation to an application made under Domestic Violence Act, No. 27 of 1999. The levels of disposable capital and income above which a person cannot qualify for legal aid have also been raised, thereby widening the net of persons who may now apply for legal aid.

Legal Aid Applications Filed by Gender, 1998-2000

MATTER TYPE	1998		1999		2000*	
	Male	Female	Male	Female	Male	Female
Magisterial Matters	321	291	282	207	96	71
Civil High Court Matters	744	587	584	500	368	354

Note: Magisterial and Supreme Court matters granted by Magistrates' and Judges, are not reflected in the figures above.

* statistics for 2000 represent the period of January through May

441. According to the Married Persons Act, Chap. 45:50, a woman has the right to make a contract in her own name without her husband's permission. While this Act does not distinguish the types of contracts being referred to, S.3 states the following:

> *Subject to this Act, a married woman shall –*
>
> *(a) be capable of acquiring, holding, and disposing of any property;*
> *(b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation;*
> *(c) be capable of suing and being sued, either in tort or in contract or otherwise; and*
> *(d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,*
>
> *in all respects as if she were a* ***feme sole****.*

442. Contracts which restrict women's legal capacity are inconsistent with the provisions of the Married Persons Act, Chap. 45:50 and are thereby null and void.

Article 16

443. Marriage is permitted in Trinidad and Tobago under the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03 and the Orisa Marriage Act, No. 22 of 1999. Each Act requires that each party freely and fully consents to the marriage. The only distinction between males and females under this legislation is the age at which a person is capable of contracting marriage. Under the Marriage Act, the contracting marriage age is 18 years for both males and females. Under the Muslim Marriage and Divorce Act, the contracting

marriage age for males is 16 years, and for females 12 years. In the case of the Hindu Marriage Act, the contracting marriage age for males is 18 years and for females, 14 years. Under the Orisa Marriage Act, the contracting marriage age is 18 years for males and 16 years for females. According to S. 23 of the Marriage Act, Chap. 45:01, children who are minors cannot marry unless consent is obtained from both parents. Minors under the contracting ages specified in the respective Acts cannot marry. Thus a Muslim girl under 12 years, a Hindu girl under 14 years, or an Orisa girl under 16 years cannot marry. However, persons who are minors at or above the specified contracting ages and under 18 years, may marry only with consent. The exception to this is a Hindu girl who does not require her parents or guardian's consent once she is 16 years or older.

444. All legislation regulating marriage in Trinidad and Tobago makes provision for the appointment of Registrars of marriage to handle the registration of marriages and divorces, and specifies the registration procedures for marriage.

445. One role of marriage officials in Trinidad and Tobago is to ensure that all marriages are entered into with the free and full consent of both men and women. This serves to ensure the prevention of forced marriages.

446. A polygamous marriage is not recognised by any of the marriage Acts. Accordingly, such a marriage cannot be validated (i.e. registered). The Matrimonial Proceedings and Property Act, Chap. 45:51 makes a marriage void if at the time of the marriage either party was already married. The Muslim Marriage Act specifically states in Section 7(3) that nothing in the Act shall authorise or validate the contracting or registration of a polygamous marriage. The Marriage Act requires that the parties make a declaration that there is no lawful hindrance to the marriage.

447. Factually, polygamous 'unions' do exist in Trinidad and Tobago. Under the laws of some of the religions which are practiced in the country, a man (rarely a woman) is permitted to enter into more than one 'marriage' union. However, only one such 'union' can be registered under domestic legislation of the country, which will create the legal status of marriage with its attendant rights and duties.

448. Consultations with relevant Ministries of Government and non-Governmental organisations revealed no evidence of the existence of discriminatory customs and practices such as dowry systems, repudiation of the wife, bride purchase, and female circumcision in Trinidad and Tobago. Arranged marriages however, do occur in the country, although the extent of the incidence is not known.

449. Bigamy is prohibited under S.55 of the Offences Against the Person Act, Chap. 11:08:

> *55. (1) Any person who being married, marries any other person during the lifetime of the former husband or wife, whether the second marriage has taken place in Trinidad and Tobago or elsewhere, is liable to imprisonment for four years.*

(2) Nothing contained in this section shall extend to any person marrying a second time whose husband or wife has been continually absent from such person for the space of seven years then last past, and has not been known by such person to be living within that time, or shall extend to any person who, at the time of the second marriage has been divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any Court of competent jurisdiction.

450. The rules regarding inheritance in Trinidad and Tobago are contained within the Succession Act, No. 27 of 1981. In 1972, the Wills and Probate Ordinance, Chap. 8, No. 1 and the Administration of Estates Ordinance, Chap. 8, No.2 enabled wives to contest wills if they were excluded from them, and apply to the Court for maintenance as dependents of the deceased. In 1981, this legislation was repealed and replaced with the Succession Act, which provides the following:

88.(1) All estate to which a deceased person was entitled for an estate or interest not ceasing on his death and as to which he dies intestate after the commencement of this Act shall, after payment of all debts, duties and expenses properly payable thereto, be distributed or held on trust in accordance with this section, namely-

(a) if the intestate leaves a spouse, then in accordance with the following table:

TABLE

If the intestate –	
(1) leaves –	
(a) no issue, and *(b) no parent, or brother or sister of the whole blood, or issue of a brother or sister of the whole blood.*	*the estate shall be held in trust for the surviving spouse absolutely.*
(2)	
(a) leaves one child (whether or not persons mentioned in sub-paragraph (b) above also survive).	*the surviving spouse shall take one-half absolutely of the estate and the other half shall be held on the statutory trusts for the child.*
(b) Leaves more than one child (whether or not persons mentioned in sub-paragraph (b) above also survive).	*the surviving spouse shall take one-third of the estate absolutely and the remaining two-thirds shall be held on the statutory trust for the children.*
(3) leaves one or both parents, but leaves no issue (whether or not brothers or sisters of the whole blood, or issue of brothers or sisters of the whole blood survive).	*the surviving spouse shall take the personal chattels absolutely and, in addition, the estate of the intestate (other than the personal chattels) shall stand charged with the payment of the sum of $200,000, or such larger amount*

as may be prescribed free of death duties and costs, to the surviving spouse with interest thereon from the date of the death at such rate as may be prescribed until paid or appropriated, and, subject to providing for that sum and the interest thereon, the estate (other than the personal chattels) shall be held –

(a) as to one half in trust for the surviving spouse absolutely, and

(b) as to the other half, where the intestate leaves one parent, in trust for that parent absolutely, or, if the intestate leaves both parents, for the two parents in equal shares absolutely

(b) if the intestate leaves issue but no spouse, the estate of the intestate shall be held on the statutory trusts for the issue of the intestate;

(c) if the intestate leaves no spouse and no issue but both parents, then the estate of the intestate shall be held in trust for the father and mother in equal shares absolutely;

(d) if the intestate leaves no spouse and no issue but one parent, then the estate of the intestate shall be held in trust for the surviving father or mother absolutely...

92. (1) Where any person dies leaving a Will effectively disposing of part of his property, this Part shall have effect as respects the part of his property not so disposed of subject to the provisions contained in the Will and subject to the following modifications –

(a) where the deceased leaves a spouse who acquires any beneficial interest under the Will of the deceased (other than personal chattels specifically bequeathed) the references in this Part to the sum payable to a surviving spouse, and to the interest on that sum, shall be taken as references to the said sum diminished by the value of the date of death of the said beneficial interests, and to interest on that sum as so diminished, and accordingly, where the said value exceeds the said sum, this Part shall have effect as if references to the said sum, and interest thereon, were omitted;

(b) the requirements of section 89 as to bringing property into account apply to any beneficial interests acquired by any issue of the deceased under the Will of the deceased, but not to beneficial interests so acquired by any other persons;

(c) the personal representatives, subject to their rights and powers for the purposes of administration, are trustees for the persons entitled under this Part in respect of the part of the estate not expressly disposed of unless it

appears by the Will that the personal representatives were intended to take such part beneficially.

451. According to section 3(d) of the Married Persons Act, Chap. 45:50, a married woman is "subject to the law relating to bankruptcy and to the enforcement of judgments and orders" as if she were an unmarried woman.

452. Women have the same rights as their husbands to dispose of property, however the disposal of jointly owned property requires the consent of the other spouse, whether it be the husband or the wife.

453. Section 4 of the Married Persons Act, Chap. 45:50 makes further provision in respect of the rights of women regarding the administration of property:

Subject to this Act, all property which –

(a) immediately before 1st January 1937 was the separate property of a married woman or held for her separate use in equity; or
(b) belongs at the time of her marriage to a woman married on or after 1st January 1937; or
(c) on or after 1st January 1937 is acquired by or devolves upon a married woman,

belongs to her in all respects as if she were a ***feme sole*** *and may be disposed of accordingly.*

454. Sections 51 through 61 of the Matrimonial Proceedings and Property Act, Chap. 45:51 provide for the administration of the matrimonial home upon the dissolution of marriage. Both husband and wife enjoy equal rights in this regard.

455. On dissolution of marriage the wife has the same rights with respect to property, as the husband. Hence, in the absence of any agreement, all property or money acquired together for the purposes of the matrimonial home or similar expenses, and all belongings are treated as belonging to the husband and wife in equal shares, and are dissolved that way.

456. Part II of the Matrimonial Proceedings and Property Act, Chap. 45:51 provides for the right of women to receive maintenance on divorce. Section 23 provides that:

On a petition for divorce, nullity of marriage or judicial separation, the Court may order either party to the marriage to make to the other such periodical payments for his or her maintenance and for such term, being a term beginning not earlier than the date of the presentation of the petition and ending with the date of the determination of the suit, as the Court thinks reasonable.

This section explicitly provides that both men and women can be ordered by a Court to pay maintenance for their spouse.

457. The Cohabitational Relationships Act, No. 30 of 1998 makes provision for jurisdiction of the Courts to make orders in respect of interests in property and maintenance for a man or woman who are or have lived together as husband and wife on a *bona fide* domestic basis, even though they are not married to each other. Under this Act, cohabitational spouses have similar rights to property as married spouses, although there is no general right to maintenance.

458. Orders for custody and maintenance of children are provided for under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08. Under this Act, women are afforded the same rights to custody of their children as men.

> *3. Where in any proceedings before any Court-*
>
> *(a) the legal custody or upbringing of a minor; or*
> *(b) the administration of any property belonging to or held in trust for a minor, or the application of the income thereof,*
>
> *is in question, the Court, in deciding that question, shall regard the welfare of the minor as the first and paramount consideration, and shall not take into consideration whether, from any other point of view, the claim of the father or any right at common law possessed by the father in respect of such custody, upbringing, administration or application, is superior to that of the mother or the claim of the mother is superior to that of the father.*
>
> *4. (1) In relation to the custody or upbringing of a minor, and in relation to the administration of any property belonging to or held in trust for a minor or the application of income of any such property, a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and be exercisable by either without the other.*

The only distinction between a mother and father is set out in section 13(5), which provides that "no maintenance order shall be made under this Act against any person as the father of a minor who is not presumed to be the father."

459. Under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 both the mother and father are joint natural guardians of the child and enjoy the same rights and responsibilities as parents. In respect of a child that is born out of wedlock, S.6 provides the following:

> *Subject to the provisions of this Act, the mother of a minor born out of wedlock shall be the sole guardian of the minor unless and until the paternity of the minor has been registered pursuant to the Births and Deaths Registration Act or established by any of the modes specified in section 8 or 10 of the Status of Children Act.*

With respect to the responsibility for child-rearing, this responsibility is vested in both parents equally. For further information in this regard, please refer to paragraphs 160-162 under Article 5 of this periodic report.

460. Section 11(2) of the Adoption of Children Act, Chap. 46:03 states that "an adoption order shall not be made in any case where the sole applicant is a male unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order." In respect of a married couple, section 11(4) states the following:

> *...an adoption order shall not be made upon the application of one of two spouses without the consent of the other of them; but the Court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.*

Aside from the conditions outlined in this provision, the Act places no other restrictions or distinction between men and women as to the right to adopt children, or to have their children adopted.

461. Recently, a new Adoption of Children Act, No. 67 of 2000 was enacted to replace the current Act. This legislation brings the law in harmony with developing trends in the area of children's rights. The aim of the Act is to regulate the procedure governing adoption in Trinidad and Tobago, and it reflects the recommendations for reform of adoption laws submitted by various interest groups. The Act requires the Adoption Board to cooperate with and assist the Children's Authority in the attainment of its objectives, and gives the Family Court the jurisdiction to make adoption orders. Further, the Act eliminates the hardship experienced by persons resident abroad who wish to adopt children in Trinidad and Tobago. It also makes provision for enabling a child who is a resident of Trinidad and Tobago to be placed with foreign adopters who are not resident in Trinidad and Tobago, thus removing the nationality restriction imposed by the existing adoption laws. There are however, new safeguards in the Act to protect children who are to be placed with foreign adopters.

462. Currently, the rights specific to surrogate mothers are not protected by law. The current position of the Government is that this issue must be researched before determining whether there is a need to implement domestic legislation in this regard.

463. Section 5 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 makes reference to a change in name of a minor child:

> *5. (1) Subject to subsections (2) and (3), the father or mother of a minor or a stranger may apply to the High Court to change a given name or the surname of that minor.*
>
> *(1) Where an application is made under subsection (1)-*
> *(a) by the mother or father, the consent of the other parent must first be obtained; or*
> *(b) by the stranger, the consent of both parents must first be obtained.*

(3) Notwithstanding subsection (2), the Court may, on an application made under subsection (1), dispense with the consent of the father or of the mother in the case where the mother or father is dead or cannot be found or, in any other case, as it sees fit.

464. Criminal provisions setting the age of consent to sexual intercourse have been contained in the Sexual Offences Act, No. 27 of 1986 (as amended). Section 6 sets the age of consent to sexual intercourse at 14 years for females, and Section 7 sets this age at 16 years for males.

465. Recently, provisions relating to sexual crimes, procuration, abduction and prostitution of persons and to kindred offences have been replaced with the Sexual Offences (Amendment) Act, Act No. 31 of 2000. This legislation now provides that a husband can be charged with the rape of his wife.

466. In Trinidad and Tobago, men and women enjoy the same rights to decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to exercise these rights. Women are provided with the opportunity to access information necessary for making informed decisions about safe and reliable contraceptives. Women can also access sex education and family planning services through a number of Governmental and non-governmental agencies and organisations, including the National Family Services Division and the Family Planning Association.

467. Women do enjoy the same personal rights with respect to choosing a family name, a profession and an occupation. In fact, in Trinidad and Tobago, many women do keep their maiden name in conjunction with their husband's last name after marriage, though the extent of this practice is not known.

468. There is no reference to the defence of honour in any legislation within Trinidad and Tobago.

469. Section 6 of the Domestic Violence Act, No. 27 of 1999 sets out the various effects of a protection order that has been granted by the Court. In some instances, the protection order serves to prohibit the respondent from, *inter alia* engaging or threatening to engage in conduct which would constitute domestic violence against the applicant; being on premises that are frequented by the applicant, including any residence, property, business, school or place of employment; engaging in any direct or indirect communication with the applicant; damaging, converting or dealing with property that the applicant may have an interest in or is used by the applicant and approaching the applicant within a specified distance.

470. In other cases, a protection order can direct the respondent to undertake a certain function or action. According to S.6(1)(c)(ii) of the Domestic Violence Act, No. 27 of 1999, the respondent can be directed to pay compensation for monetary loss that has been

suffered by the applicant, as a direct result of the respondent's conduct which amounted to domestic violence.

471. According to S.6(1)(c)(iii) of the Domestic Violence Act, No. 27 of 1999, the Court can also direct the respondent to pay interim monetary relief to maintain the applicant or any child where no provisions with regard to maintenance already existed.

472. Section 6(4) of the Domestic Violence Act, No. 27 of 1999 further states that an order for compensation can include, *inter alia*, loss of earnings, medical and dental expenses, moving and accommodation expenses, and reasonable legal costs, including the cost of the application for a protection order. According to S. 6(5) of the Domestic Violence Act, No. 27 of 1999, an award of compensation cannot exceed TT $15,000 and shall be received by the Court on the applicant's behalf.

473. The criminal penalties consequent upon a breach of the protection order are set out in S.20 of the Domestic Violence Act, No. 27 of 1999. Such a breach occurs when the respondent, who on receipt of the protection order, refuses, fails or neglects to comply with the directions of the protection order. In such an event, the respondent will be held liable on first conviction to a fine not exceeding $9,000 or to a maximum of 3 month's imprisonment. Upon a second conviction, the respondent will be subject to a fine not exceeding TT $15,000 or a maximum of 2 years' imprisonment. In the event of subsequent breaches, a consequent conviction to imprisonment not exceeding 5 years will be imposed.

474. In addition, S.6 (1)(c)(viii) of the Domestic Violence Act, No. 27 of 1999 provides that the Court can direct the respondent to receive professional counselling or therapy. If it has been discovered that the direction of the Court was not adhered to, and the reason for non-compliance was, in the Court's opinion, unreasonable, the respondent will be held liable to a fine not exceeding $3,000 pursuant to S.20 (2) of the Domestic Violence Act, No. 27 of 1999.

APPENDIX

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

PREAMBLE

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations between countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of the country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sew which has the effect or purpose of impairing of nullifying the recognition, enjoyment or exercise of women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women,

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality of men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotypes roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of the international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men respect to the nationality of their children.

Article 10

States Parties shall take appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions of career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishment of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grant;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service, and the right to receive vocational training and retraining, including apprenticeship, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparabie social benefits, without los. of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life;

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all the appropriate measures to ensure the application of provisions of the present Convention to women in rural areas.

2. States Parties shall take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

   (a) The same right to enter into marriage;

   (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

   (c) The same rights and responsibilities during marriage and at its dissolution;

   (d) The same rights and responsibilities, as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

   (e) The same rights to decide freely and responsibly on the number and spacing of their children and have access to the information, education and means to enable them to exercise these rights;

   (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

   (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

   (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Part V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The expects shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one persons from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each session the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two

years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expect from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

   (a) Within one year after the entry into force for the State concerned;

   (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedures.

2. The committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee shall invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

Part VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

3. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention

shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature of ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.